



**City of Durham
Charter Trustees for the City of Durham**

Ref: JM

19 July 2019

To: The Mayor and Members of the
CHARTER TRUSTEES FOR THE CITY OF DURHAM
(Councillors D Bell, J Blakey, L Brown, J Chaplow,
K Corrigan, S Dunn, D Freeman, D Hall, A Hopgood,
L Hovvells, B Kellett, J Lethbridge, C Marshall, E Mavin,
L Mavin, M McKeon, R Ormerod, E Scott, M Simmons,
A Simpson, D Stoker, P Taylor, F Tinsley, J Turnbull,
M Wilkes and M Wilson).

Dear Sir/Madam

A Meeting of the **CHARTER TRUSTEES FOR THE CITY OF DURHAM** will be held in
Committee Room 1B, County Hall, Durham, on Thursday 25 July 2019 at 11.00 am.

BUSINESS

Part A

Items during which the Press and Public are welcome to attend.

1. Apologies for Absence
2. Minutes of the meeting held on 19 June 2019 (Pages 3 - 6)
3. Declarations of interest, if any
4. Officers of Dignity Appointments - Report of the Clerk to the Charter Trustees (Pages 7 - 20)

5. Update on CDALC Abolition of Charter Trustees - Report of the Clerk to the Charter Trustees (Pages 21 - 26)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Yours faithfully
Clerk

CHARTER TRUSTEES FOR THE CITY OF DURHAM

At the **Meeting** of the **Charter Trustees for the City of Durham** held in the Committee Room 1A, County Hall, Durham on Wednesday 19 June 2019 at 12.00 pm.

Present: The Right Worshipful the Mayor of Durham, Councillor K Corrigan (in the Chair) and Councillors D Bell, J Blakey, L Brown, S Dunn, D Freeman, D Hall, A Hopgood, L Hovvels, B Kellett, C Marshall, E Scott, M Simmons, A Simpson, P Taylor, J Turnbull and M Wilkes.

1 **Apologies for Absence**

Apologies for Absence were received from Councillors J Chaplow, J Lethbridge, E Mavin, L Mavin, M McKeon, R Ormerod, D Stoker, F Tinsley and M Wilson.

2 **Minutes**

The minutes of the meeting held on 5 June 2019 were confirmed as a correct record and signed by the Mayor.

3 **Declarations of interest**

There were no declarations of interest.

4 **Revenue Outturn for the year ending 31 March 2019**

Charter Trustees considered a report of the Treasurer that provided information on the 2018/19 final revenue outturn (for copy see file of minutes).

The Treasurer reported that the actual net revenue expenditure for 2018/19 was £62,184, an underspend of £5,231 against a budget of £67,415. He confirmed that £6,855 would be a transfer from reserves, reducing the reserve balance to £63,417 as of 31 March 2019.

The Treasurer highlighted that Charter Trustees were now attracting bank charges due to Durham County Council changing bank accounts and were no longer the overarching authority for Charter Trustees. He added that the Finance Team were in discussions with the bank regarding the charges and suggested that Charter Trustees may be required to change bank accounts. The Treasurer would provide an update on the outcome at the next meeting.

Councillor Wilkes questioned why Charter Trustees had not been made aware of the additional bank charges sooner and given time to consider changing banks as the extra £2,000 was not in the original budget. The Treasurer explained that there had been an oversight when Durham County Council changed banks resulting in Charter Trustees being charged for the account as the County Council were no longer the overarching authority.

Councillor Hopgood felt that it was unreasonable to incur charges when the Charter Trustee account was permanently in credit. She added that the account was not a business account, therefore should not incur any costs at all.

Referring to the oversight, Councillor Hopgood highlighted that Charter Trustees are charged for administration and support services which covers back office costs and felt it was unacceptable to have an additional £2,000 added for bank charges. The Treasurer advised that the Finance Team were currently in discussions with the bank to seek reimbursement. He assured that if the Finance Team were unsuccessful with the bank, then Charter Trustees would be reimbursed by the County Council and alternative banking arrangements would be sought.

Councillor Hovvells noted that banks often waive charges for charitable organisations and agreed with the course of action to ask to waive charges on this occasion.

The Treasurer confirmed that a proposal for alternative bank arrangements would be reported at the next meeting.

Resolved:-

- i) That the final outturn position for the financial year ended 31 March 2019 be noted;
- ii) That an update on bank charges and proposal for alternative bank arrangements be reported at the next meeting.

5 Annual Return for the year ended 31 March 2019

Charter Trustees considered a report of the Treasurer seeking approval of the Annual Governance Statement and Accounting Statements for the financial year ended 31 March 2019, which were included in the Annual Return (for copy see file of minutes).

Resolved:-

That the Annual Return (Sections 1 and 2) for the financial year ended 31 March 2019 be approved.

6 Honorary Position - Pant Master

Charter Trustees considered a report of the Clerk which informed Trustees of the resignation of Miss Sharon Spence as Pant Master and sought confirmation of appointment of successor (for copy see file of minutes).

The Governance Solicitor advised that at the time of writing the report there had been one expression of interest from Dr Bill Moir. Since then, a further expression of interest had been received from Mr Mac Williams JP, details of which had been circulated to Charter Trustees in advance of the meeting.

Councillor Turnbull queried the process as the Pant Master position had always been filled by an officer of the Council. He added that the two interested parties were not officers of the Council therefore the position should be open to anyone. The Governance Solicitor acknowledged that historically the Pant Master position had previously been an officer of Durham County Council, however no expressions of interest had been received from officers.

Councillor C Marshall expressed concern with the overall process with regards to being open and transparent. He emphasised that Charter Trustees should ensure this role was being considered properly before any decision was made.

Councillor Wilkes commented that it would be more appropriate to have a vote on paper rather than a show of hands.

The Governance Solicitor confirmed that the situation was unique to previous years and that the process had been detailed within the report. She explained that it would be for Charter Trustees to consider how they would want to proceed with the vote.

Councillor Freeman highlighted that one of the candidates was also the Mayors consort and queried if there would be an issue in carrying out duties. The Governance Solicitor explained that the matter had been explored by the Clerk and assurances were given by the candidate that he would be able to distinguish between both roles.

Councillor Hopgood proposed that the Honorary Position of Pant Master be advertised inviting other expressions of interest and a ballot paper vote take place at a Special Charter Trustee meeting which could be arranged after full Council in July. The Governance Solicitor suggested a small working group be arranged to consider the points raised and then report back to a future meeting.

Councillor Hovvells was in favour of the working group and suggested that the working group also look at updating the Charter Trustee Standing Orders for these appointments as things have moved on and it was necessary to have a clear understanding moving forward to eliminate any confusion.

Councillor Turnbull referred to information received from County Durham Association of Local Councils (CDALC) and raised the question what would happen if Charter Trustees were dissolved. He explained that the information was originally circulated by the National Association of Local Councils (NALC) which was forwarded to all Town and Parish Councils explaining procedures and the stance from Government with regards to Charter Trustees.

Following a brief discussion regarding communication of the information that not all Charter Trustees had received, the Governance Solicitor advised that she would obtain the information and report back to Charter Trustees.

Resolved:

- i) That a working group be arranged comprising of Councillors Hopgood, Hovvels, Kellett and Simmons to look at advertising the Honorary Position of Pant Master;
- ii) That the information circulated by the CDALC be obtained and details reported to the next meeting.

The Mayor agreed that in order to keep members informed, the next item of business could be reported.

7 Working Group for the Appointment of Deputy Mayor

The Governance Solicitor referred to the Charter Trustee meeting on the 27 March 2019 regarding a working group to look at criteria options for the appointment of Deputy Mayor. The Governance Solicitor asked for nominations for the working group and advised that the findings would be reported back to the meeting in October 2019.

Councillor Turnbull suggested that an email be circulated to include Charter Trustees who were not present at the meeting.

Seconded by Councillor Hovvels, Councillor Kellett moved that the working group consist of five Charter Trustees, three Labour members and two minority group members.

It was then moved and seconded that the working group consist of six Charter Trustees, three Labour members, two Lib Dem members and one Independent member.

Upon a vote being taken, it was **Resolved:**

That the working group consist of six Charter Trustees, three Labour members, two Lib Dem members and one Independent member.

Charter Trustees for the City of Durham

25 July 2019

Officers of Dignity Appointments



City of Durham

Report of Bryan Smith, Clerk to the Charter Trustees

Purpose of the Report

1. To consider recommendations of the working group regarding the criteria for appointment of Officers of Dignity for the Charter Trustees.
2. To consider a recommendation to vary the Standing Orders relating to voting on appointments of Officers of Dignity.

Background

3. At the Charter Trustee meeting of 19 June 2019, the Clerk reported a vacancy to the office of Pant Master.
4. The Charter Trustees resolved to form a working group to explore and report to the Charter Trustees on the notification of vacancies and selection of proposed candidates for honorary positions. Councillors Lucy Hovvels, Mamie Simmons, Bill Kellett, Amanda Hopgood with Councillor Katie Corrigan as Chair formed the working group who were supported by the Clerk.
5. On 17 July 2019 the working group met to explore options relating to appointment of Officers of Dignity and agreed to make recommendations upon criteria and voting procedures.

Officer of Dignity Honorary Positions of the Charter Trustees

6. The Charter Trustees have four Officer of Dignity roles (or honorary roles), specifically the Pant Master, Billet Master, Recorder and Honorary Judicial Recorder.

Current Vacancy

7. At the Annual Meeting held on 5 June 2019 the vacancy of Pant Master was raised and was recorded in the minutes.

8. At the meeting of 19 June 2019 the Charter Trustees were asked to consider two expressions of interest for the office of Pant Master. The Charter Trustees wished to consider suitable criteria to be applied and ensure that a fair process had been adopted.
9. The working group agreed that its recommendations could relate to any future vacancy for honorary roles as well as the current vacancy of Pant Master.

Vacancies

10. The working group explored options for vacancies to be made known including formal applications and adverts. The working group unanimously agreed that as and when vacancies for honorary roles arise this should be announced at the next meeting and recorded in the minutes with an invitation for expressions of interest to be presented to the Clerk in advance of the next meeting of the Charter Trustees.

Selection Criteria

11. There are currently no formal selection criteria for honorary roles. The roles are not formal employed positions, receive no remuneration and there are no job or personal specifications. The main duties are personal to support the office of Mayor by attending ceremonial occasions. It was recognised by the working group that there is a benefit in having guidance to assist the Trustees when selecting a preferred candidate. The working group agreed the following general criteria which would be desirable in a nomination for the honorary roles as follows:
 - (i) Close links to Durham City.
 - (ii) Contribution to Durham City.
 - (iii) Support for charitable and/or good causes.
12. In addition, as each honorary role has historic origins and traditional links to certain professions, the working group agreed individual special criteria are desirable as follows:
 - (i) Pant Master – Links to technical services such as engineering/ water supply.
 - (ii) Billet Master – Links to the police and/or uniformed services.
 - (iii) Recorder – Links to the legal profession.
 - (iv) Judicial Recorder – Links to the Judiciary of Durham.
13. The working group accepted that as this is not a formal appointment in the form of paid employment it would not be appropriate to advertise at large. It was agreed that a CV, short statement or similar document

produced by the candidate to the Clerk demonstrating the points outlined above to assist in determining their suitability to hold an honorary role.

14. The working group propose that the above general and special criteria be adopted for vacancies. In respect of the current vacancy of Pant Master there are two nominations which may be considered and further expressions of interest should be made to the Clerk by no later than 12 noon on Friday 9 September 2019. For all future vacancies of honorary positions it is recommended that the vacancies are announced by the Clerk at the first available Meeting of the Charter Trustees and expressions of interest are to be presented to the Clerk no later than 14 days before the next meeting of the Charter Trustees to allow for circulation of papers

Voting on Honorary Positions

15. The Members of the working group recognised that when voting for honorary positions it would be preferred that voting takes place by way of a paper ballot. The working group tasked the Clerk with considering the voting arrangements in respect of honorary positions in accordance with the constitution, standing orders and procedural rules.
16. Within the Constitution, the Standing Orders of the Charter Trustees do not specifically refer to voting on honorary appointments. The arrangements for voting on appointments set out section 8 and 9 of the existing standing orders which state:

8. VOTING

The mode of voting at Meetings of the Charter Trustees shall be by show of hands, and on the requisition of any Charter Trustee the voting on any question shall be recorded so as to show whether each Charter Trustee present and voting gave his/her vote for, against or abstained.

9. VOTING ON APPOINTMENTS

Where there are more than two persons nominated for any position to be filled by the Charter Trustees, and of the votes given there is not a majority of the Charter Trustees present in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes of the Charter Trustees present is given in favour of one person.

17. The relevant provision for varying standing orders is set out at paragraph 8 of the Procedure Rules which state:

Any motion to add to, vary or revoke a Standing Order shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Charter Trustees.

18. Should the Trustees wish to vary the Standing Orders in respect of voting on honorary appointments this will require a proposal and second for the variation. The suggested variation to the standing orders in shown in red at appendix 2 of this report.

Recommendation

19. It is recommended that the Charter Trustees:
 - (i) approve the proposals for the selection criteria for honorary positions.
 - (ii) to invite any additional expressions of interest for the vacancy of Pant Master to be presented to the Clerk by no later than 12noon on 9 September 2019.
 - (iii) consider and approve a variation to Standing Orders in the form attached Appendix 2 for voting by paper ballot for honorary appointments.

Contact: Bryan Smith

Tel: 03000 269717

Appendix 1: Implications

Finance

None.

Staffing

None.

Risk

None.

Equality and Diversity / Public Sector Equality Duty

None.

Accommodation

None.

Crime and Disorder

None.

Human Rights

None.

Consultation

None.

Procurement

None.

Disability Issues

None.

Legal Implications To set criteria for selection of Officers of dignity and to vary existing Standing Orders to allow for a paper ballot when necessary.

Appendix 2: Standing Orders

THE CHARTER TRUST OF THE CITY OF DURHAM

STANDING ORDERS

1. MEETINGS OF THE CHARTER TRUSTEES

- (a) The Annual Meeting and all other meetings of the Charter Trustees shall be held at the Town Hall in Durham City, subject to availability.
- (b) In addition to the Annual Meeting, meetings for the transaction of general business (ordinary meetings) shall be held on four occasions each year on such dates as may be appointed by the Charter Trustees provided that the Annual Meeting takes place within 21 days following the Annual Meeting of Durham County Council.
- (c) In addition to the Annual Meeting and ordinary meetings, extraordinary meetings may be called by four or more Charter Trustees to discuss items of common interest limited to the discharge of the functions of Mayor, elections thereto, employees, the office bearers, the bodyguard and all property vested in the care of the Trustees.
- (d) Meetings for the transaction of general business shall normally be held at 2.00 pm provided that the Mayor may in special circumstances vary the hour at which any such Meeting shall be convened and held.

2. ELECTION OF MAYOR AND DEPUTY MAYOR

- (a) The Charter Trustees shall, at the Annual Meeting, elect the Mayor for the ensuing Municipal Year.
- (b) The Charter Trustees shall, at the Annual Meeting, elect the Deputy Mayor for the ensuing Municipal Year.

3. CHAIRMAN OF MEETING

Any power or duty of the Mayor in relation to the conduct of a Meeting may be exercised by the person presiding at the Meeting. In these Standing Orders the expression "Mayor", and as appropriate "Chairman" shall mean the person presiding at a meeting of the Charter Trustees.

4. QUORUM

A quorum shall be ten Charter Trustees and if during any Meeting of the Charter Trustees the Chairman after counting the number of Charter Trustees present declares that there is not a quorum present the Meeting shall stand adjourned.

The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary Meeting of the Charter Trustees.

5. ORDER OF BUSINESS

- (a) Except as otherwise provided by paragraph 1 of this Standing Order, the order of business at every Meeting of the Charter Trustees shall be:-
- (1) To choose a person to preside if the Mayor and the Deputy Mayor is absent.
 - (2) To deal with any business required by statute to be done before any other business.
 - (3) To approve as a correct record and sign the Minutes of the last Meeting of the Charter Trustees.
 - (4) To receive such communications as the Mayor may desire to lay before the Charter Trustees.
 - (5) To dispose of business (if any) remaining from the last Meeting.
 - (6) To receive and consider reports, Minutes and recommendations of committee (if any).
 - (7) To answer questions asked under Standing Order 6, where appropriate.
 - (8) To authorise sealing of documents.
 - (9) To consider motions from one or more Trustees in the order in which notice has been received, in accordance with the Appendix.
 - (10) Other business specified in the summons to the meeting.

Variation of Order of Business

- (b) Business falling under sub paragraphs (1), (2) or (3) of paragraph (a) above shall not be displaced, but subject thereto the foregoing order of business may be varied:-
- (1) by the Mayor at his/her discretion.
 - (2) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

6. QUESTIONS

- (a) A Charter Trustee may ask the Mayor any questions upon an item which is under consideration by the Charter Trustees.
- (b) Every question shall be put and answered without discussion. The person to whom a question has been put may decline to answer but shall give an explanation for declining to do so.
- (c) An answer may take the form of:-

- (1) a direct oral answer; or
- (2) where the desired information is contained in a publication of the Charter Trustees, a reference to that publication; or
- (3) where the reply to the question cannot conveniently be given orally, a written answer circulated to Charter Trustees.

7. MINUTES

- (a) The Mayor shall put the question that the Minutes of the previous Meeting of the Charter Trustees be approved as a correct record.
- (b) No discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Mayor shall sign the Minutes.

8. VOTING

- (a) The mode of voting at Meetings of the Charter Trustees shall be by show of hands **unless section 8(b)** applies, and on the requisition of any Charter Trustee the voting on any question shall be recorded so as to show whether each Charter Trustee present and voting gave his/her vote for, against or abstained.
- (b) **The mode of voting at Meetings of the Charter Trustees when considering persons nominated for an honorary/officer of the dignity shall be by paper ballot in accordance with standing order 9.**

9. VOTING ON APPOINTMENTS

Where there are more than two persons nominated for any position to be filled by the Charter Trustees, and of the votes given there is not a majority of the Charter Trustees present in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes of the Charter Trustees present is given in favour of one person.

10. RECORD OF ATTENDANCES

Every Charter Trustee attending a Meeting of the Council shall sign his/her name in the attendance book or sheet provided for that purpose, and every Charter Trustee attending some other Meeting, conference or inspection on approved duty shall sign his/her name in the register for the purpose.

11. INTEREST OF OFFICERS IN CONTRACTS

The Clerk to the Charter Trustees shall record in a book to be kept for the purposes particulars of any notice given by an officer of the Charter Trustees of any pecuniary or non-pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any Charter Trustee.

12. CANVASSING OF AND RECOMMENDATIONS BY CHARTER TRUSTEES

- (a) Canvassing of Charter Trustees directly or indirectly for any appointment under them shall disqualify the candidate concerned for that appointment.

The purpose of this paragraph and Standing Order 13 shall be notified to all applicants for such appointment.

- (b) A Charter Trustee shall not solicit for any person any appointment under the Charter Trustees, but this shall not preclude a Charter Trustee from giving a written testimonial of a candidate's ability, experience, or character for submission to the Charter Trustees with an application for appointment.

13. RELATIVES OF CHARTER TRUSTEES OR OFFICERS

- (a) A candidate for any appointment under the Charter Trustees who knows that he/she is related to any Charter Trustee or officer of the Charter Trustees shall when making application disclose that relationship to the Clerk to the Charter Trustees. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable for dismissal without notice. Every Charter Trustee and officer of the Charter Trustees shall disclose to the Clerk to the Charter Trustees any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Charter Trustees. The Clerk to the Charter Trustees shall report to the Charter Trustees or to the appropriate Committee any such disclose made to him.
- (b) For the purposes of this Standing Order 13 persons shall be deemed to be related if they are husband and wife and if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

14. CUSTODY OF SEAL

The Common Seal of the Charter Trustees shall be kept by the Clerk to the Charter Trustees in a safe place in the Town Hall.

15. SEALING OF DOCUMENTS

The Common Seal of the Charter Trustees shall not be affixed to any document unless the sealing has been authorised by a resolution of the Charter Trustees, but a resolution of the Charter Trustees authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address the making of any contract, or the doing of any other thing, shall be sufficient authority for sealing any document necessary to give effect to the resolution.

16. AUTHENTICATION OF DOCUMENTS

Where any document will be a necessary step in legal proceedings on behalf of the Charter Trustees it shall, unless any enactment otherwise requires or authorises, or the Charter Trustees give the necessary authority to some person for the purpose of such proceedings, be signed by the (Honorary) Legal Advisor to the Charter Trustees.

17. INSPECTION OF DOCUMENTS

- (a) A Charter Trustee may, for the purposes of his/her duty as such Charter Trustee but not otherwise, on application to the Clerk to the Charter Trustees

inspect any document which has been considered by the Charter Trustees and if copies are available shall on request be supplied for the like purposes with a copy of such document.

- (b) Provided that a Charter Trustee shall not knowingly inspect and shall not call for a copy relating to a matter in which he/she has directly or indirectly any pecuniary interest and that this Standing Order 17 shall not preclude the Clerk to the Charter Trustees from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.
- (c) All reports made or minutes kept by any committee shall, as soon as the committee has concluded action of the matter to which such reports or minutes relate, be open for the inspection of any Charter Trustee.
- (d) The rights of the public under the Freedom of Information Act will apply to the Charter Trustees of the City of Durham.

18. ISSUING OF ORDERS ETC

Unless specifically authorised to do so by the Charter Trustees or by a Committee, a Charter Trustee shall not issue any order respecting any works which are being carried out or on behalf of the Charter Trustees or claim by virtue of his/her position any right to inspect or to enter upon any lands, offices or premises which the Charter Trustees have the power or duty to inspect or enter.

19. APPOINTMENT OF AD HOC-COMMITTEES

The Charter Trustees may at any time appoint such committees as they may deem necessary to carry out the work of the Charter Trustees but, subject to any statutory provision in that behalf:-

- (a) shall not appoint any member of a committee so as to hold office later than the Annual Meeting of the Charter Trustees;
- (b) may at any time dissolve a committee or alter its membership.
- (c) all committees shall be proportionally representative of the recognised political groups of the Charter Trustees, unless any such group wishes to forgo places on these committees.

20. ELECTION OF CHAIRMAN OF AN AD HOC-COMMITTEE

Every committee shall, at its first meeting before proceeding to any other business, elect a Chairman for the year, and a Vice-Chairman. In the absence from a meeting of a committee of the Chairman (and the Vice-Chairman) a Chairman for that Meeting shall be appointed.

21. QUORUM OF AD HOC-COMMITTEES

- (a) Except where authorised by a statute or ordered by the Charter Trustees business shall not be transacted at a Meeting of any committee unless at least one third of the whole number of the committee is present.

- (b) Provided that in no case shall the quorum of a committee be less than three Members.

22. VOTING IN AD HOC-COMMITTEES

Voting at a Meeting of a committee shall be by a show of hands.

23. STANDING ORDERS TO APPLY TO AD HOC-COMMITTEES

Standing Order 3 (Appendix) headed "Rules of Debate" (except those parts which relate to speaking more than once) and Standing Order 11 headed "Interest of Charter Trustees in Contracts and Other Matters" shall, with any necessary modification, apply to committee Meetings.

24. MOVER OF MOTION MAY ATTEND AD HOC-COMMITTEE

A Charter Trustee who has moved a motion which has been referred to any committee shall have notice of the meeting of the committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have the opportunity of explaining the motion.

25. ATTENDANCE OF CHARTER TRUSTEES AT MEETINGS OF AN AD HOC-COMMITTEE

Any Charter Trustee may be present and take part in any meeting of a committee notwithstanding that he/she is not a member of such committee, but he/she shall not be permitted to vote.

26. ITEMS FROM THE PUBLIC

- (a) Public Involvement. The Charter Trustees, as a public body will adopt an 'open government' approach to the conduct of its business. It values the views of the public, community groups and local organisations. At the beginning of each full meeting of the Charter Trustees (except the Annual Meeting) time will be made available for submissions from the public.

(b) Types of Submission.

- (1) A member of the public may present a petition (minimum 25 signatures from residents of the area within which the Charter Trust operates);
- (2) A member of the public may ask a question of the Chairman of the Charter Trust, and after the reply may ask one supplementary question;
- (3) A member of the public may make a statement;
- (4) A community group, a local organisation or members of the public may make a deputation (of not more than 4 persons – but only one will be allowed to speak).

- (c) Deadlines. Anyone wishing to have something included on the agenda for a meeting of the Charter Trust must give the following notice to the Clerk to the Charter Trustees **7** working days prior to the Meeting.

- (e) Meeting of the Charter Trust. The Clerk to the Charter Trustees will announce whether any members of the public have given notice that they wish to

address the Charter Trustees on a matter for which the Trust has responsibility.

(f) Petitions.

- (1) Petitions must be about a matter for which the Trust has a responsibility.
- (2) The person named in the written notice to the Clerk to the Charter Trustees will be invited by the Mayor to speak on the petition for no longer than 5 minutes unless at the discretion of the Mayor more time is allowed.
- (3) When the speaker has finished, the Mayor will invite Charter Trustees and the Clerk to the Charter Trustees to question the petitioner. Only one question each will be allowed.
- (4) Questions will only be allowed if they seek to clarify a factual point made by the petitioner, or stated in the petition itself.
- (5) Questions will not be allowed if they are of a technical nature or address issues not mentioned in the petition or by the speaker.
- (6) Charter Trustees must not make speeches when asking questions.
- (7) After questions, the petitioner will hand the petition to the Clerk to the Charter Trustees.

Action by the Charter Trustees.

- (8) The Charter Trustees will ask the Standing Committee to consider the petition.
- (9) If the petition is about an item that is already on the agenda for the meeting, the Charter Trustees will consider it when that item is reached.

(g) Questions.

- (1) Questions must be about a matter for which the Trust has a responsibility.
- (2) The person named in the written notice to the Clerk to the Charter Trustees will be invited by the Mayor to ask the question. No further comment from the questioner will be allowed.
- (3) When the question has been asked, the Mayor will invite the Chairman of the Standing Committee to answer. The Chairman may:
 - i. Answer the question;
 - ii. Ask the Clerk to the Charter Trustees to answer the question;
 - iii. Inform the questioner that a written answer will be sent;
 - iv. Decline to answer and may give reasons.
- (4) The questioner may then ask a follow-up question on the same matter. The Chairman may deal with the follow-up question in any of the ways described above.

(h) Statements.

- (1) The person named in the written notice to the Clerk to the Charter Trustees will be invited by the Mayor to speak to the Charter Trustees on the matter(s) for which they have responsibility, for not more than 5 minutes.
- (2) When the speaker has finished, the Mayor will ask the Charter Trustees to decide what action, if any, it wishes to take on the statement made.

Action by the Charter Trustees. The only action allowed will be:

- (3) To ask the Trustees to consider a report from the Clerk to the Charter Trust on the issues raised in the statement; or
- (4) To note the content of the statement; or
- (5) (If the statement is about an item already on the agenda for the meeting) to consider the points raised in the statement when that agenda item is reached.

(i) Deputations.

- (1) The person named in the written notice to the Clerk to the Charter Trustees will be invited by the Mayor to speak to the Charter Trustees on the matter(s) for which they have responsibility, for not more than 5 minutes.
- (2) When the speaker has finished, the Mayor will ask the Charter Trustees to decide what action, if any, it wishes to take on the deputation presented.

Action by the Charter Trustees. The only action allowed will be:

- (3) To ask the Standing Committee to consider a report from the Clerk to the Charter Trustees on the issues raised by the deputation; or
- (4) To note the content of the deputation; or
- (5) (If the deputation is about an item already on the agenda for the meeting) to consider the points raised by the deputation when that agenda item is reached.

27. STANDING ORDERS TO BE GIVEN TO CHARTER TRUSTEES

A printed copy of these Standing Orders, and of such statutory provisions as regulate the proceedings and business of Charter Trustees, shall be given to each Charter Trustee by the Clerk to the Charter Trustees.

28. INTERPRETATION OF STANDING ORDERS

The ruling of the Chairman as to the constructions or application of any of these Standing Orders, or as to any proceedings of the Charter Trustees, shall not be challenged at any meeting of the Charter Trustees. Provided always that nothing herein shall prejudice the provisions of the Charter Trustees Regulations 2009 and other applicable legislation.

Charter Trustees for the City of Durham

25 July 2019

Update on CDALC Abolition of Charter Trustees



City of Durham

Report of Bryan Smith, Clerk to the Charter Trustees

Purpose of the Report

1. To update the Charter Trustees on correspondence of the CDALC regarding the abolition of the Charter Trustees.

Background

2. On 19 June 2019 at the meeting of the Charter Trustees a question was raised regarding recent correspondence which had been circulated with Clerks for Town and Parishes regarding the abolition of Charter Trustees. It was agreed that the correspondence would be reviewed at the matter reported to the Charter Trustees at the next meeting.

Current Position

3. An extract of the item which was raised at the Charter Trustees meeting is shown at Appendix 2. The extract is taken from item 13 of the CDALC meeting held on 5 June 2019 which sets out the calls by NALC to abolish Charter Trustees.
4. Appendix 2 relates to NALC urging the government to abolish the Charter Trustee bodies which have not become local (parish and town) councils by the end of next parliament. This document is essentially a position statement of NALC and does not alter the legal status of the Charter Trustees.
5. For Members information, the Charter Trust was established in 2009 when the Durham City Council was abolished as part of the local government re-organisation and creation of the unitary authority.
6. Durham retained the city charter status through the appointment of Charter Trustees which ensures the continuation of the civic traditions for the city of Durham and is responsible for choosing the Mayor and Deputy Mayor from the appointed Trustees.

7. The legislation relating to the status of Charter Trustees was enacted through section 14 and 240(10) of the Local Government and Public Involvement in Health Act 2007 with the secondary legislation of Charter Trustees Regulations 2009. This legislation remains in force.

Recommendation

8. The Members are asked to note the report.

Contact: Bryan Smith

Tel: 03000 269717

Appendix 1: Implications

Finance

None.

Staffing

None.

Risk

None.

Equality and Diversity / Public Sector Equality Duty

None.

Accommodation

None.

Crime and Disorder

None.

Human Rights

None.

Consultation

None.

Procurement

None.

Disability Issues

None.

Legal Implications

There have been no changes to existing legislation which governs Charter Trustees and there are no changes marked as pending.

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AGENDA ITEM 13: NALC CALLS FOR THE ABOLITION OF CHARTER TRUSTEES.

The National Association of Local Councils (NALC) has urged the government to abolish all charter trustee bodies which have not become local (parish and town) councils by the end of the next parliament.

There are 17 charter trustee bodies including the City of Durham) remaining in England which have still not become local councils and NALC now thinks the number is now up for these

Charter trustee bodies have been variously created, parished or abolished since the Local Government Act, 1972. They were traditionally created where an ancient borough or district was abolished and a new one created – and are usually comprised of principal authority councillors covering the same warded areas.

The role of charter trustees is to protect the civic tradition, mayoralty and regalia for the ancient area they represent. However there are now just 17 of these areas left and traditionally the expectation was that these areas would gain local councils, fully elected local council with precept raising powers, able to better represent the community and spend money on services the community wanted.

Many charter trustee areas such as Bexhill (Sussex) have become a block on new local councils being created. Though elected as district councillors first charter trustees are not elected as charter trustees per se; many of these bodies incur large precepts which have recently increased and in the main charter trustee areas have not become local councils due to fiercely guarded local claims on heritage protection.

Cllr Sue Baxter, chairman of NALC, said: "Most charter trustee bodies seem to have lost their way and have forgotten that they were only ever supposed to be temporary

bodies created as a half-way house to a local council being created. Some recent charter trustee bodies have become very large local councils and are doing an excellent job as fully elected bodies representing their communities – Banbury, Hereford and Kidderminster, for instance. That is why we think charter trustees have had their day and the Government should parish the remaining 17 charter trustee areas by the end of this parliament. If this has not happened by then, the government should act to abolish all remaining charter trust bodies by the end of the next parliament.”

Recommended action	For the information of members.
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