

Cabinet Member for Governance Agenda

Date:	Monday, 16th June, 2014
Time:	10.00 am
Venue:	Committee Suite 1 & 2, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Transfer of Property to Macclesfield Charter Trustees** (Pages 1 - 12)

To approve the entering into an agreement with the Macclesfield Charter Trustee to the transfer of historic and ceremonial regalia and property of the former Macclesfield Borough Council in accordance with the Charter Trustee Regulations 2009

For requests for further information

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CHESHIRE EAST COUNCIL

Cabinet Member for Governance

Date of Meeting: 16 June 2014

Report of: Head of Governance and Democratic Services

Subject/Title: Transfer of Property to Macclesfield Charter Trustees

1.0 Report Summary

- 1.1 To invite the Cabinet Member for Governance to approve that the Council enter into an agreement with the Macclesfield Charter Trustees to the transfer of historic and ceremonial regalia and property of the former Macclesfield Borough Council in accordance with the Charter Trustee Regulations 2009.

2.0 Recommendations

- 2.1 That the Cabinet Member for Governance consider the information contained in the report and
- (1) confirm the transfer of the historic and ceremonial regalia and property of the former Macclesfield Borough Council to the Macclesfield Charter Trustees as set out in red in Appendix I of this report;
 - (2) authorise the Head of Legal Services and Monitoring Officer to enter an agreement with the Charter Trustees to confirm the transfer of historic and ceremonial property as set out at Appendix I; and
 - (3) authorise the Head of Legal Services and Monitoring Officer to enter an agreement with the Charter Trustees to enable transferred historic and ceremonial property to be stored / displayed at Macclesfield Town Hall.

3.0 Financial Implications

- 3.1 The Charter Trustees will be responsible for insurance and care of historic and ceremonial regalia and property transferred to them.
- 3.2 The Council will continue to be responsible for the insurance and care of historic and ceremonial regalia and property that remains in the Council's ownership.

4.0 Legal Implications

- 4.1. Charter Trustees were originally created by the 1974 Local Government Act with the aim of maintaining and preserving the historic rights, privileges (including Ceremonial Rights and privileges) and traditions associated with Local Authority districts which became part of a larger Local Government area as a result of Local Government Reorganisation and where a Parish did not exist to preserve those rights. The creation of Charter Trustee status preserves the historic status of the area until such time as a Parish is created. Regulation 3 of the Charter Trustee Regulations provides that Charters, Insignia Plate and Property which are **historic** and **ceremonial** in nature and which relate to the Charter Trustee area shall vest in the Charter Trustees on the reorganisation date (1st April 2009) rather than transferring to a single tier Council, subject to there being no disagreement on the part of the new Council

5.0 Risk Management

- 5.1 The security of the Regalia in the ownership of Cheshire East Council is the responsibility of Facilities Management Team. The majority of property is located in secured rooms and the Inventory of historic property has been added to the Council's Insurance Policy under the terms of any risk loss. No formal arrangements are in place to maintain and curate the property.

6.0 Background

Historic Property

- 6.1 Regulation 3 of the Charter Trustee Regulations provides that Charters, Insignia Plate and Property which are **historic** and **ceremonial** in nature and which relate to the Charter Trustee area shall vest in the Charter Trustees on the reorganisation date (1st April 2009) rather than transferring to a single tier Council, subject to there being no disagreement on the part of the new Council, The Regulations provide that an agreement should be reached between the Charter Trustees and the Council. Such an agreement has in principle been reached; with the Portfolio Holder for Corporate Policy providing guidance to Officers on this issue.
- 6.2 The Department of Communities and Local Government has issued guidance in relation to this issue as to what is "historic and ceremonial property" and has indicated that the property transferred can be a matter of local agreement. However, the guidance stresses that in order to meet the definition of 'historic and ceremonial', the property should be 'both historic and ceremonial'. It is not enough that the property is simply old: it needs to have a ceremonial connection.
- 6.3 Examples given are charters or other grants under Her Majesty's prerogative (market charters), insignia, mace, badges, ropes and plates, chains of offices, swords, mayoral property etc. This cannot include land and buildings and any

property held for the purposes of any statutory function of the successor Local Authority.

- 6.4 To facilitate the negotiations towards agreement, the Asset Management Team of the Council commissioned an inventory of Macclesfield Town Hall. This has been shared with the Charter Trustees. Officers from Governance and Democratic Services, in consultation with the Portfolio Holder, have attempted to explore how agreement might be reached over what should transfer to the Charter Trustees and what would remain the property of the Council.
- 6.5 At its meeting on 15 April 2014 the Charter Trustees passed a resolution identifying the property that they wished to claim taking reference from the Regulations and guidance. The Charter Trustees accept that the property to which they are entitled should as a general principle, be pre 1974 and relate wholly to their area (Regulation 3 refers). So for example, property relating solely to Macclesfield Borough Council (post 1974) vests as a matter of law in Cheshire East Council, unless ownership is proved otherwise.
- 6.6 The terms of a proposed legal agreement with the Charter Trustees, would, subject to Recommendation 2.1 (3) (above) being agreed, allow for historic artefacts to continue to be stored / displayed at the Town Hall. There would be no cost to the Council for this arrangement.

7. Access to Information

- 7.1 There are no background papers relating to this report.

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Cabinet Member for Corporate Policy

Date: 16 June 2014

Report of: Head of Governance and Democratic Services

Subject/Title: Transfer of Property to Macclesfield Charter Trustees

Appendix I



Macclesfield Charter Trustees

Secretary to the Mayor
Macclesfield Charter Trustees
Macclesfield Town Hall
c/o Municipal Buildings
Earle Street, Crewe CW1 2BJ
Tel: 07747 787 410

Friday 30 May 2014

Dear Martin

Transfer of Assets

On behalf of the Macclesfield Charter Trustees, here is the formal acknowledgement that agreement has now been reached concerning the transfer of historic and ceremonial assets from Cheshire East Council to the Macclesfield Charter Trustees.

The Trustees have suggested which items they wish to be transferred, and these are identified on the attached spreadsheet.

Please let me know if you need more information.

Kind regards

Carole

Carole Devine

Secretary to the Mayor of Macclesfield Charter Trustees

Macclesfield Inventory for Distribution

Ref #	Type	Item Description
M136	Silver	The 1610 silver mace, James I mace
M137	Silver	Macclesfield Corp. silver presentation trowel 1922
M138	Silver	B of Macc presentation silver trowel 1911
M140	Silver	Victorian silver card tray 1878
M141	Silver	Macclesfield and District Closed Tennis Tournament Junior Girls trophy
M142	Silver	Macclesfield Town Hall presentation silver snuffbox 1863
M143	Silver	Macclesfield Borough silver paperknife
M144	Silver	Chehsire Regiment presentation silver rose bowl 1960
M145	Silver	Victorian silver salver 1876
M146	Silver	Oval serving tray 1936
M147	Silver	Ronson silver plated table lighter
M148	Silver	Bruckmann silver plated German presentation coaster
M149	Silver	George IV silver car tray 1825
M150	Silver	The William Frost & Sons Ltd Inter Mill Silver Cup 1931
M151	Silver	Silver plated presentation tray
M152	Silver	The Comrades Club silver four piece tea service 1969
M153	Silver	Harlequin silver seven piece tea and coffee service
M154	Silver	Set of six George IV silver Fiddle pattern teaspoons
M155	Silver	Silver plated presentation footed bowl from Macclesfield NC, USA
M156	Silver	Edwardian silver milk jug and sugar basin 1909
M157	Silver	George II Irish silver coffee pot 1729
M158	Silver	Macclesfield Closed Tennis Tournament silver plated cup for junior girls
M159	Silver	Pair of George III silver sauceboats 1763
M160	Silver	Silver plated un-inscribed pedestal cup
M161	Silver	Pair of silver ashtrays 1960
M162	Silver	Silver cigarette box 1952
M164	Silver	Pair of Silver candlesticks 1911
M165	Silver	Macclesfield Mayor's Dance Festival perpetual silver plated trophy
M166	Silver	Macclesfield Advertiser silver Challenge Cup 1931
M167	Silver	Presentation silver spade 1902
M168	Silver	Presentation silver trowel 1911

Macclesfield Inventory for Distribution

Ref #	Type	Item Description
M169	Silver	Silver presentation spade 1886
M170	Silver	Victorian silver and ivory presentation trowel 1868
M171	Silver	Silver presentation plaque 'Presented to the Corporation of Macclesfield'
M172	Silver	Silver presentation spade 1909
M173	Silver	Silver siphon stand 1951
M174	Silver	Macclesfield and District Agricultural Society silver plated cup
M175	Silver	Presentation silver table centerpiece 1851
M176	Jewels of Office	Macclesfield Borough gold and enamelled Mayoral chain and badge
M179	Jewels of Office	Enamelled and silver gilt Deputy Mayor's Consort badge and sash
M184	Jewels of Office	Deputy Mayor Macclesfield Borough Council gilded badge
M185	Jewels of Office	Macclesfield Borough Council Mayor's gilt badge
M186	Jewels of Office	Macc Borough Council deputy Mayor's silver fob and chain
M187	Jewels of Office	flattened curb link guard chain and brass curb link bracelet
M188	Jewels of Office	Macc 1922 gold and enamelled presentation key
M189	Jewels of Office	Macclesfield free library diamond set key 1876
M190	Jewels of Office	American Presentation Gold Key 'Macclesfield, NC USA to Macc, England 1970'
M191	Jewels of Office	Coronation silver medal and the accompanying dress miniature

Macclesfield Inventory for Distribution

Ref #	Type	Item Description
M104	Civic Robes	Black felt top hat
M105	Civic Robes	Another black top hat
M106	Civic Robes	Mayoral robes, overcoat with tricorn hat & further robes with bicorn hat
M107	Silver	Top Town Challenge Cup
M108	Silver	Trophy, 'Best kept and cultivated allotment (Macc B)'
M109	Silver	Borough of Macc Golf Challenge Cup
M110	Silver	small trophy,
M111	Silver	Bowling Challenge Cup
M112	Silver	Macc Mayor's Charity Dance Festival silver trophy
M113	Silver	George II silver loving cup London 1734 'Memory of William and Joseph George Frost'
M114	Silver	German electro plated lidded pedestal cup
M115	Silver	Pair of George V silver sauceboats
M116	Silver	Electro plated cocktail shaker
M117	Silver	Modernist EPNS presentation tabl candelabrum
M118	Silver	Set of four silver table salts
M119	Silver	Macclesfield Honorary Freeman silver gilt and enamelled casket
M120	Silver	Macclesfield and Buxton Borough Council Bowls Challenge Cup
M121	Silver	Cased set of 36 tea spoons
M122	Silver	George Mellor silver cup
M123	Silver	Presentation EPNS serving tray 1912
M124	Silver	Pair of George III silver sauceboats (donated by G H Heath & Co Ltd)
M125	Silver	Pair of Victorian silver five branch candelabra 1894
M126	Silver	B of Macc. Silver presentation cigar box 1936
M127	Silver	Victorian silver cake basket 1846
M128	Silver	The Macclesfield Great Mace 1693
M129	Silver	Silver presentation entrée dish and cover
M130	Silver	Fruit bowl 1960
M131	Silver	The Junior Singing silver cup 1810
M132	Silver	Macclesfield Closed Tennis Tournament Ladies Singles cup
M133	Silver	Macclesfield Closed Tennis Tournament silver plated cup
M134	Silver	The Comrades Club (British Legion) commemorative salver

Macclesfield Inventory for Distribution

Transfer to Macclesfield Charter Trustees

Ref #	Type	Item Description
M6	Mayor Portrait	John Staniforth
M7	Mayor Portrait	Alderman P J Eaton
M8	Mayor Portrait	Abraham Bury
M9	Mayor Portrait	Cllr T H Hambleton
M10	Mayor Portrait	John Birchenough
M13	Furniture	3 Oak Ceremonial Chairs circa 1910
M15	Mayor Portrait	Alderman James Kershaw
M17	Ornament	Victorian Brass double ink well
M25	Mayor Portrait	Cllr Joseph George Frost (extensively damaged)
M26	Mayor Portrait	Mayor portrait - William Pownall (damaged)
M28	Mayor Portrait	Chalres Brocklehurst
M35	Painting	Portrait of Civic Dignitary (extensively damaged)
M36	Painting	Portrait of Civic Dignitary holding B of Macc decoration (ED)
M38	Plaque	Cast iron lion's mask 1890
M40	Tapestry	Embroidered panel copied from the Bayeux Tapestry
M44	Document	Framed Document - Hand written extract from Macclesfield Courier 1823
M47	Mayor Portrait	Photograph of Mayor 1889-1890
M48	Photograph	Victorian tinted photograph of civic dignitary
M49	Mayor Portrait	Frederick Hill and Macc Town Council officials
M50	Photograph	framed Victorian photographs, Macc dignitaries etc.
M53	Plates	Assortment of engraved card plates, inscribed varously 'The Mayor' etc.
M54	Photograph	32 framed and unframed civic photogrpahs early 20thC
M96	Misc.	Eckernforde presentation pewter wine jug and goblets 1961
M99	Misc.	Macclefield Borough Charter with Elizabeth II seal
M100	Misc.	Brass bell, 'Macclesfield-Hasselholm, Eckernforde, August 1963'
M101	Misc.	Clock, George III oak and mahogany brass dial longcase clock
M102	Misc.	Clock, late Victorian oak and brass mounted musical clock
M103	Civic Robes	Civic Wig