

CHESHIRE EAST COUNCIL

Civic Sub Committee

Date of Meeting: 7 September 2011
Report of: Democratic and Registration Services Manager
Subject/Title: Historic and Ceremonial Regalia and Property of the Charter Trustees

1.0 Report Summary

- 1.1 To invite the Sub Committee to authorise officers to continue negotiations with the Crewe and Macclesfield Charter Trustees concerning the historic and ceremonial regalia and property of the former Crewe and Nantwich and Macclesfield Borough Councils, such regalia and property now being in the possession of Cheshire East Council.

2.0 Recommendations

- 2.1 That the Civic Sub Committee authorise officers to continue to negotiate with the Crewe and Macclesfield Charter Trustees, and any other relevant body, and to prepare a draft agreement dealing with all issues surrounding the transfer and security of historic and ceremonial regalia and property to those bodies.

3.0 Financial Implications

- 3.1 The Charter Trustees, and other bodies, would be responsible for insurance and care of historic and ceremonial regalia and property transferred to them.

4.0 Legal Implications

- 4.1 Under the Charter Trustees Regulations 2009, Charter Trustees were created to maintain and preserve the historic rights and privileges (including Ceremonial Rights and privileges) and traditions (historic rights) 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 this Charter Trustee status preserved the historic status of the area until such time as a Parish could be created.

5.0 Risk Management

- 5.1 No issues have been identified.

6.0 Background

- 6.1 Regulation 3 of the 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 rather than transferring to a single tier Council, subject to there being no disagreement on the part of the new Council, in this case Cheshire East Council. The regulations provide that an agreement should be reached between the Charter Trustees and the Council. In the meantime the property remains in the ownership of the new Council.
- 6.2 The Department of Communities and Local Government has issued guidance in relation to this issue on what is historic and ceremonial property and has indicated that the property transferred can be a matter of local agreement but stresses that 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. 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 should not include land and buildings and any property held for the purposes of any statutory function of the successor Local Authority. The Town Halls are the property of the Council.
- 6.3 To facilitate the negotiations towards agreement, the Asset Management Team of the Council commissioned inventories of the two Town Halls. These have been shared with the Charter Trustees. Officers from the Asset Management Team and Democratic Services will attempt to reach provisional agreement as to what property would be property of the Trust, and what would be the property of the Council, taking reference from the Regulations and guidance. There may also be property which may vest in other bodies, such as parish or town councils.
- 6.4 Other matters to consider will be:-
- Whether the Charter Trustees or any new Parish will retain the regalia in the current town halls. Any decision to remove them will leave historic buildings without the furnishings. Retaining the regalia will add to the attraction and history of the town halls.
 - Whether the Charter Trustees and any subsequent Parish Council or body have the resources required to repair, insure and curate the property. This would be a matter for them, but some may find the financial burden of secure storage and insurance too great.

- The inheritance of the obligations to look after this property may be burdensome on any new Parish Council or may inflate the precept from such a Council to reflect that burden.

7.0 Access to Information

- 7.1 The background papers relating to this report can be inspected by contacting the report writer:

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