

CHESHIRE EAST COUNCIL

COUNCIL

Date of meeting: 30 July 2008
Report of: Governance Lead (East)
Title: Civic and Ceremonial Issues

1.0 Purpose of Report

- 1.1 To brief the Shadow Council on a number of Civic and Ceremonial Issues, and to identify any specific matters which are to be pursued for retention or adoption from April 2009.

2.0 Decision Required

- 2.1 The Council is invited to consider and, if appropriate, to decide in principle whether to –

1. submit a Petition for the conferment of Borough Status for the Unitary Council and the designation of a Mayor rather than a Chairman of the Council
2. apply for the adoption of an appropriate Coat of Arms
3. request the 4 current authorities to identify as soon as possible any proposals for the continuation of their existing rights and privileges

and to note the position concerning Honorary Aldermen and the Cheshire Lieutenancy at this stage.

3.0 Financial Implications for Transition Costs

- 3.1 There are no direct financial implications at this stage.

4.0 Financial Implications 2009/10 and beyond

- 4.1 This is dependent on the outcome of any proposals which may be made and approved for the continuation of current rights and privileges.

5.0 Legal Implications

- 5.1 The requirements for Parliamentary Orders and Regulations, and the responsibility for deciding any applications are described in detail below.

6.0 Risk Assessment

- 6.1 The requirements for the creation and preservation of civic and ceremonial rights and privileges need to be considered in principle at this stage to ensure the necessary steps can be taken for their continuation if desired post April 2009.

7.0 Background and Options

- 7.1 It will be possible for existing civic and ceremonial rights and privileges to be preserved and transferred to the Unitary Authorities or other appropriate bodies from 1 April 2009. Various consents may be required, including the Privy Council, the Ministry of Justice and the Department for Community and Local Government (DCLG) depending on the right or privilege concerned. In some cases it will be necessary to make Statutory Orders or Regulations, whilst other aspects may be pursued under current legislation. Officer level discussions are ongoing with DCLG to identify the best means of preserving these traditions where required, and the Cabinet has been briefed on these arrangements.
- 7.2 DCLG have indicated that they would like to receive formal proposals ideally by 8 August. If this is not possible, a clear indication of what may be required locally is requested. DCLG's preference would be for proposals to be made primarily through the Shadow Council, but supported by the current District and County Councils wherever possible.
- 7.3 The Shadow Council is therefore asked at this stage to consider in principle which of these ceremonial issues it would wish to pursue, so that DCLG can be advised and the detailed discussions on the implementation process can continue.

Borough Status

- 7.4 Cheshire East will be a district Unitary Authority with a Chairman. However the Shadow Authority may petition for Borough Status, which would involve the Grant of a Charter by Her Majesty The Queen, the election of a Mayor rather than a Chairman, and the right to appoint Honorary Freemen of the Borough. The petition can be submitted under the Local Government Act 1972 to the Privy Council Office in a prescribed form. DCLG have indicated that it would be helpful if any such request were supported by the current local authorities, and that the petition should be submitted as soon as possible and certainly before the end of this calendar year, to allow Borough status to be granted for 1 April 2009.

Coat of Arms

- 7.5 The Shadow Council may also apply to the Privy Council Office and the College of Arms for a Cheshire East Coat of Arms, either a new design or the transfer of an existing Coat of Arms. Again, this may be done under existing powers, and

if the Council is minded to do so, a further more detailed report on what is involved will be prepared.

Honorary Aldermen

- 7.6 Regulations will provide for the transfer of Honorary Aldermen previously appointed by the County Council and the District Councils to the Cheshire East Unitary Council from April 2009.
- 7.7 In addition, the Regulations will enable the current Councils to appoint Honorary Aldermen from amongst their existing Councillors, who will then transfer as Aldermen to the Unitary Council when they retire from office on 1 April 2009.
- 7.8 It does not seem to be possible however for the Regulations to permit the appointment of new Honorary Aldermen from current Councillors who are also elected Members of the Shadow Authority, but DCLG are seeking further legal advice on the position.
- 7.9 The Council is asked to note these provisions concerning the appointment of Honorary Aldermen.

Preservation of Current Mayors

- 7.10 Any Town Council which currently has a Mayor will be unaffected by these changes and will continue as previously. In addition, should there be a wish to create new parishes and Town Councils this can be done under existing legislation. DCLG have indicated that the Transitional Regulations which will come into force in the Autumn will transfer responsibility for the creation of new Parish/Town Councils to the Shadow Authority.
- 7.11 It will also be open to the outgoing Borough Councils to apply to DCLG for the retention of their Mayoralty after April 2009. There are two ways in which this can be achieved – either through an appropriate existing Town or Parish Council(s) taking on this responsibility, or through the creation of Charter Trustees.
- 7.12 Charter Trustees consist of the Councillors for the Wards within the area for which the Mayoralty and associated traditions are to be preserved. The Mayor is elected from amongst these Councillors. They are created by Parliamentary Order, requiring debate in both Houses, and cannot be constituted retrospectively. DCLG intend that any such Orders will be made in December, to come into force in April 2009, so any applications would need to be submitted without delay.
- 7.13 The cost of supporting the Mayoralty and associated traditions either through existing Parishes or Charter Trustees is funded through a precept which bears solely on the area concerned. Any application would need to include an estimate of the precept for the first year.

- 7.14 It is understood that Crewe and Nantwich Borough Council are considering the possible retention of the Mayoralty for their area, and that this will be addressed at their Council Meeting on 10 September.

Lord Lieutenant

- 7.15 Regulations will be made to preserve the historic area of Cheshire for the purposes of the Lieutenancy (ie Cheshire East, Cheshire West and Chester, Warrington and Halton). The Lord Lieutenant will need to consider and consult on the designation of the Clerk to the Lieutenancy, and the future arrangements for the provision of his support. One model would be for one of the Unitary Councils in the area to provide the support, with the costs being shared appropriately across all four authorities. Discussions on these issues are underway and a further report will be made in due course.

8.0 Reasons for Recommendation

- 8.1 To identify any rights and privileges which are to be sought or preserved, in compliance with the timetable set by DCLG.

For further information:

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Background Documents:

None

Documents are available for inspection at:

Cheshire East Shadow Council Support Office
Congleton Borough Council
Westfields
Middlewich Road
Sandbach