
CHESHIRE EAST COUNCIL

Community Governance Review Sub-Committee

Date of Meeting: 25th February 2013
Report of: Borough Solicitor
Subject/Title: Historic and Ceremonial Regalia and Property of the Charter Trustees

1.0 Report Summary

- 1.1 To inform the Sub Committee on the ongoing negotiations with the Crewe Charter Trustees concerning the historic and ceremonial regalia and property of the former Crewe and Nantwich Borough Councils.

2.0 Recommendations

- 2.1 That the Sub Committee consider the information contained in the report.

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. The Council will need to determine the responsibility for insurance and care of historic and ceremonial regalia and property that remains in the Councils possession.

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.
- 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 Municipal Buildings Crewe. These have been shared with the Charter Trustees. Officers from Democratic Services have attempted to reach provisional agreement as to what property would be property of the Trustees, and what would be the property of the Council. At its meeting on 17th January 2013 the Charter Trustees passed a resolution identifying the property that wished to claim taking reference from the Regulations and guidance. The Portfolio Holder has been briefed and arrangements are being made for a formal Portfolio Holder decision to confirm the property to be transferred.
- 6.4 The decision will also recommend that 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 hall. The Portfolio Holder believes that to split the collection of property would be disrespectful to the civic history of Crewe and its Mayor. Some of this property covers Nantwich and other areas so in fact vests with Cheshire East. As with Macclesfield the majority however would appear to correctly sit with the Charter Trustees as it comprises insignia, mace, badges, ropes and plates, chains of offices, swords, mayoral property.

- 6.5 The Clerk to Nantwich Town Council has made a formal request for all items relating to the former Nantwich Rural Council to be transferred to the Town Council. The Portfolio Holder will be asked to confirm the permanent loan only of property relating to Nantwich Rural Council to the Town Council (Subject to satisfactory insurances being put in place). This will be limited to insignia, mace, badges, plates and chains of offices,. It will not include fixtures and fittings, art, sculpture or furniture.
- 6.6 In advance of the formal portfolio Holder decision the Borough Solicitor is preparing an agreement.

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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