

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 24 March 2009
Report of: Borough Solicitor
Title: Borough Status – Council Name

1.0 Purpose of Report

- 1.1 To consider the practical implications that flow from the grant of borough status and agree a consistent approach to the use of the word 'borough' (which does form part of the Council's 'official name').

2.0 Decision Required

- 2.1 It is recommended that:
- 2.1.1 The name Cheshire East Council if required be used for any purpose except the circumstances at 2.1.2 below.
- 2.1.2 The name Cheshire East Borough Council be used where on the advice of the Borough Solicitor it is appropriate to protect the Council's legal position.

3.0 Financial Implications for Transition Costs

- 3.1 There are none anticipated.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are none anticipated.

5.0 Legal Implications

- 5.1 It is critical that the Council utilises its official name of Cheshire East Borough Council for a range of formal purposes to ensure the legality and enforceability of its actions.

6.0 Risk Assessment

- 6.1 Failure to utilise the Council's official name for formal purposes could render its actions void and unenforceable. There is the attendant risk of reputational damage as a result.

7.0 Background and Options

- 7.1 The Cheshire (Structural Changes) Order 2008 states that Cheshire East Council is a district council (but does not include a requirement to utilise the word 'district' in its title).
- 7.2 The Council successfully petitioned for borough status which takes effect on the 1st April 2009.
- 7.3 Section 245 of the Local Government Act 1972 deals with the method to secure and the effect of gaining borough status and states that 'the council of the district shall bear the name of the council of the borough'.
- 7.4 Cheshire East Council will become Cheshire East Borough Council on the 1st April 2009.
- 7.5 Members have already indicated that they do not want the word 'borough' to appear generally and that they wish to have a consistent approach to branding.
- 7.6 There is no further guidance on the use of branding by local authorities, but the practice is relatively common. Whilst there appears little risk that the use of branding would be challenged, there is no specific legal power authorising it.
- 7.7 It is essential that the Council is clear when the official name must be utilised and when it is able to deploy branding.
- 7.8 The official name must be used whenever a failure to do so could bring into question the legal authority to take action, namely:
 - Legal proceedings
 - Legal notices and orders
 - Contracts (including insurance)
 - Land transactions
 - Bank accounts
 - Invoices
 - Council summonses, agendas and minutes (but not necessarily reports)
- 7.9 The official name should also be used wherever a failure to do so could cause confusion or where there is any risk that the Council's interests could be prejudiced by failing to include it. That is not to say that it need affect the use of branding, but the full name would appear somewhere e.g. as a footnote (perhaps 'Cheshire East Council is the brand name of Cheshire East Borough Council'). An example where this would apply is in correspondence utilised in debt management. Ultimately, the documents may be used in proceedings and will refer to financial documents (invoices) which will include the official name.
- 7.10 Branding will be used in a variety of situations without the need for the official name, e.g. promotional items (leaflets, Cheshire East News, pens, bags, banners, flags etc); on vehicles and uniforms; identity badges (although some may need additional wording if they authorise officers to enter premises); signs

on council buildings; notepaper and compliments slips; and the Website (though some linked documents may include the official name).

- 7.11 The Council Seal will include the official name Cheshire East Borough Council, but for the time being it be plain and just include those words. Usually councils have armorial bearings that are used on the seal. It would not be appropriate to adopt the logo for these purposes. This can be updated when a grant of arms is secured when the armorial bearings can feature on the seal.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 It is essential that a consistent approach to naming and branding be adopted from Day One to avoid prejudice to the Council's interests.

9.0 Reasons for Recommendation

- 9.1 To ensure that clear instructions can be given to officers and Members about the use of the Council's official name.

For further information:

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Background Documents: