

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting:	23 July 2012
Report of:	Arthur Pritchard – Assets Manager
Subject/Title:	Centenary of the First World War and War Memorials Cheshire East
Portfolio Holder:	Cllr Jamie Macrae – Portfolio Holder for Prosperity and Economic Regeneration

1.0 Report Summary

- 1.1 To consider a notice of motion submitted by Cllr D Flude and Cllr C Thorley at the meeting of full Council held on 23rd February 2012. The notice of motion stated that:

'In 2014 the nation will commemorate the centenary of the First World War can this council be assured that any war memorials that the borough has responsibility for are being conserved to the high standard that the public expect?

Is there a comprehensive list of all memorials in the borough's keeping?

Are all memorials in good repair?

Is the budget sufficient for the conservation of the memorials for generations to come?

A report to the relevant Scrutiny committee is prepared to inform members in relation to the points above.

Can this council consider how it will plan for the centenary events in 2014 to include the Cheshire Archives, the museum of Cheshire Regiment, other military, Cheshire's many history societies our libraries, schools and residents?'

- 1.2 The report sets out the current situation with regard to war memorials and the recommended actions that are proposed to understand and address the issues identified in the Notice of Motion.

2.0 Decision Requested

- 2.1 To endorse the notice of motion.

2.2 To note the report and comment on the current position in relation to those war memorials in the Borough's keeping.

2.3 To agree the recommended actions set out in Section 10 of the report.

3.0 Reasons for Recommendations

3.1 Maintaining war memorials and commissioning new facilities in respect of current conflicts is an important discretionary local authority responsibility. Under the War Memorials (Local Authorities' Powers) Act 1923 and its later amendments, local authorities have the power to maintain, repair and protect war memorials in their district. They also have a separate power to correct inscriptions and add additional names to existing memorials in respect of more recent conflicts. There is no statutory duty to do so.

3.2 The definition of Local Authority for the purposes of this act includes both town and parish councils. Consequently, the custodianship of Cheshire East's War Memorials is a shared responsibility requiring the support of all those with an interest in ensuring that they are maintained and protected in the manner expected by the community.

3.3 With the centenary of World War 1 in 2014, interest in the country's war memorial heritage, stimulated by current conflict and family history research, is growing

4.0 Wards Affected

4.1 All Wards are affected.

5.0 Local Ward Members

5.1 None

6.0 Policy Implications including - Carbon reduction - Health

6.1 None

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

7.1 There are no immediate direct financial implications arising from this report. However, it should be noted that the adoption of recommendations arising from the actions proposed in Section 10 of this report may ultimately result in the Council incurring additional costs as a result of its shared role in the custodianship of the Borough's war memorials.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The War Memorials (Local Authorities' Powers) Act 1923 (as amended by the Local Authorities Act 1948 and the Local Government Act 1948) contains provisions enabling local authorities to incur reasonable expenditure in maintaining, repairing, or protecting any war memorial within their district, whether or not that war memorial is vested in the council.
- 8.2 The definition of Local Authority for the purposes of this act includes the district (town) council, parish council, and a parish meeting of a rural parish with no parish council.
- 8.3 This act does not apply to a war memorial provided or maintained by a local authority in exercise of any other statutory power.
- 8.4 In order to address the notice of motion it is necessary to establish which memorials are:
 - 8.4.1 owned by the Council and or the parish council because they are on Council land or have been transferred by a formal transfer of responsibility and therefore are the Council's or parish council's responsibility;
 - 8.4.2 not owned by the Council but maintained by the Council informally;
 - 8.4.3 not owned or maintained by the Council but in need of preservation.
- 8.5 With regard to those memorials referred to in 8.4.3 a decision would then need to be made as to whether the Council exercises its statutory power to maintain or repair.
- 8.6 It will also be necessary before any works are carried out to establish if any of the monuments are within a conservation area, are listed or are scheduled monuments as additional consents may be required for works. In addition consideration should be given to the need for planning permission depending on the nature of the work required.

9.0 Risk Management

- 9.1 Although a discretionary responsibility, any failure by the Council to fulfil its responsibilities in respect of those war memorials for which it is directly responsible for could lead to significant reputational damage

10.0 Background and Options

- 10.1 Maintaining war memorials and commissioning new facilities in respect of current conflicts is an important discretionary local authority

responsibility. Under the War Memorials (Local Authorities' Powers) Act 1923 and its later amendments, local authorities have the power to maintain, repair and protect war memorials in their district. They also have a separate power to correct inscriptions and add additional names to existing memorials in respect of more recent conflicts. There is no statutory duty to do so.

- 10.2 The definition of Local Authority for the purposes of this act includes both town and parish councils. Consequently, the custodianship of Cheshire East's War Memorials is a shared responsibility requiring the support of all those with an interest in ensuring that they are maintained and protected in the manner expected by the wider community..
- 10.3 In response to an approach from the War Memorials Trust, the Assets Manager was identified as the Council's War Memorials Officer to act as a focal point within the Council for war memorial matters and liaise with the War Memorials Trust for support and advice.
- 10.4 With the centenary of World War 1 in 2014, interest in the country's war memorial heritage, stimulated by current conflict and family history research, is growing.
- 10.5 A War Memorial is defined as any physical object erected or dedicated to commemorate those killed as a result of armed conflict. War memorials to those who served and returned alive as well as civilian casualties and animals should be included. Most, but not all war memorials, relate to the First and Second World Wars.
- 10.6 All entries regarding war memorials in their broadest sense and relating to Cheshire East have been extracted from information provided by the United Kingdom National Inventory of War Memorials (UKNIWM). Links provided in Appendix 1 to this report provide a full list of all memorials located within the boundaries of Cheshire East.
- 10.7 An examination of the information provided by the UKNIWM reveals a complicated picture in terms of clearly identifying responsibility for the maintenance of individual memorials. Whilst ownership of the land and/or the structure itself can be a determining factor in terms of the responsibility for upkeep, the custodianship may lie elsewhere. In general, however, the following assumptions can be made:
 - 10.7.1 Any memorials in churches, chapels or church yards are the responsibility of Church Authorities (unless the UKNIWM specifies otherwise).
 - 10.7.2 Similarly, any memorials in private ownership, for example independent schools, clubs etc, are the responsibility of the owner.

- 10.7.3 The UKNIWM specifies a number of memorials that are maintained by Town and Parish Councils.
- 10.8 Cheshire East Council is currently responsible for the maintenance of a number of war memorials throughout the Borough. Whilst in some instances, for example the memorial in Municipal Square Crewe, responsibility is clear as the memorial is within the Council's ownership, there are others where the position is less clear.
- 10.9 There is a need for greater clarity and certainty in terms of the responsibility for all war memorials in the Borough. The Council has specific responsibility for those memorials within its ownership, but there is a wider, albeit discretionary, obligation in conjunction with both town and parish councils to ensure that memorials in general are maintained in the manner expected by the wider community.
- 10.10 In accordance with the recommendations contained in the Guidance for Custodians published by the Department for Constitutional Affairs, the War Memorials Officer is currently compiling a consistent record of those war memorials known to be in the custodianship of the Council. The final document will address the following specific issues:
- 10.10.1 Identification and recording – location and description.
 - 10.10.2 Condition Survey – identification of immediate action required to preserve, protect and repair the memorial.
 - 10.10.3 Maintenance – introduction of an annual inspection programme to ensure their effective upkeep.
- 10.11 By implication, such a record will identify the scale of the financial commitment required by the Council to maintain, repair and protect those memorials for which it is directly responsible.
- 10.12 As referred to elsewhere in this report, responsibility for the custodianship of an individual memorial is not always clear. Whilst a review of the available information may allow the Council to clearly attribute responsibility to a third party, there will undoubtedly be a number of memorials where the responsibility is unknown or cannot be established with any certainty.
- 10.13 Any decision to assume responsibility (as permitted under War Memorials (Local Authorities' Powers) Act 1923 and its later amendments) for the upkeep of those memorials for which a custodian cannot be established will bring with it potentially significant financial implications.
- 10.14 The establishment of a comprehensive record in terms of both detail and ongoing cost implications will enable individual authorities to make informed decisions in relation to those war memorials for which they

have a direct obligation to maintain and protect. In addition, it will facilitate a wider discussion in respect of those memorials where the responsibility is unknown or cannot be established with any certainty.

10.15 It is important to stress that custodianship is a shared responsibility. Town and Parish Councils, together with the Council, have a responsibility, albeit discretionary, to maintain and protect war memorials within the area that they control..

10.16 To summarise, it is proposed that the following pieces of work are undertaken and that they form the basis of a future report to Cabinet:

10.16.1 that the Council work with Town and Parish Councils in order to compile a database in respect of all war memorials within the Borough of Cheshire East and that, as part of this process, the responsible authorities work together to clearly establish ongoing responsibilities.

10.16.2 that consideration be given to the Council's role in the planning and implementation of events to mark the centenary of World War 1 in 2014. Such consideration to include full consultation with all those likely to be involved at a local, regional and national level.

11.0 Access to Information

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

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Appendix 1 – War Memorials Schedule, Cheshire East