

CHESHIRE EAST COUNCIL

Cabinet Member for Governance

Date of Meeting: 16 June 2014

Report of: Head of Governance and Democratic Services

Subject/Title: Transfer of Property to Macclesfield Charter Trustees

1.0 Report Summary

- 1.1 To invite the Cabinet Member for Governance to approve that the Council enter into an agreement with the Macclesfield Charter Trustees to the transfer of historic and ceremonial regalia and property of the former Macclesfield Borough Council in accordance with the Charter Trustee Regulations 2009.

2.0 Recommendations

- 2.1 That the Cabinet Member for Governance consider the information contained in the report and
- (1) confirm the transfer of the historic and ceremonial regalia and property of the former Macclesfield Borough Council to the Macclesfield Charter Trustees as set out in red in Appendix I of this report;
 - (2) authorise the Head of Legal Services and Monitoring Officer to enter an agreement with the Charter Trustees to confirm the transfer of historic and ceremonial property as set out at Appendix I; and
 - (3) authorise the Head of Legal Services and Monitoring Officer to enter an agreement with the Charter Trustees to enable transferred historic and ceremonial property to be stored / displayed at Macclesfield Town Hall.

3.0 Financial Implications

- 3.1 The Charter Trustees will be responsible for insurance and care of historic and ceremonial regalia and property transferred to them.
- 3.2 The Council will continue to be responsible for the insurance and care of historic and ceremonial regalia and property that remains in the Council's ownership.

4.0 Legal Implications

- 4.1. Charter Trustees were originally created by the 1974 Local Government Act with the aim of maintaining and preserving the historic rights, privileges (including Ceremonial Rights and privileges) and traditions 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 Charter Trustee status preserves the historic status of the area until such time as a Parish is created. Regulation 3 of the Charter Trustee 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 (1st April 2009) rather than transferring to a single tier Council, subject to there being no disagreement on the part of the new Council

5.0 Risk Management

- 5.1 The security of the Regalia in the ownership of Cheshire East Council is the responsibility of Facilities Management Team. The majority of property is located in secured rooms and the Inventory of historic property has been added to the Council's Insurance Policy under the terms of any risk loss. No formal arrangements are in place to maintain and curate the property.

6.0 Background

Historic Property

- 6.1 Regulation 3 of the Charter Trustee 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 (1st April 2009) rather than transferring to a single tier Council, subject to there being no disagreement on the part of the new Council. The Regulations provide that an agreement should be reached between the Charter Trustees and the Council. Such an agreement has in principle been reached; with the Portfolio Holder for Corporate Policy providing guidance to Officers on this issue.
- 6.2 The Department of Communities and Local Government has issued guidance in relation to this issue as to what is "historic and ceremonial property" and has indicated that the property transferred can be a matter of local agreement. However, the guidance stresses that in order 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.
- 6.3 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 cannot include land and buildings and any

property held for the purposes of any statutory function of the successor Local Authority.

- 6.4 To facilitate the negotiations towards agreement, the Asset Management Team of the Council commissioned an inventory of Macclesfield Town Hall. This has been shared with the Charter Trustees. Officers from Governance and Democratic Services, in consultation with the Portfolio Holder, have attempted to explore how agreement might be reached over what should transfer to the Charter Trustees and what would remain the property of the Council.
- 6.5 At its meeting on 15 April 2014 the Charter Trustees passed a resolution identifying the property that they wished to claim taking reference from the Regulations and guidance. The Charter Trustees accept that the property to which they are entitled should as a general principle, be pre 1974 and relate wholly to their area (Regulation 3 refers). So for example, property relating solely to Macclesfield Borough Council (post 1974) vests as a matter of law in Cheshire East Council, unless ownership is proved otherwise.
- 6.6 The terms of a proposed legal agreement with the Charter Trustees, would, subject to Recommendation 2.1 (3) (above) being agreed, allow for historic artefacts to continue to be stored / displayed at the Town Hall. There would be no cost to the Council for this arrangement.

7. Access to Information

- 7.1 There are no background papers relating to this report.

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