

Cumberland Shadow Executive

27 March 2023

Charter Trustees for the City of Carlisle

Report from:	Cllr Barbara Cannon, Portfolio Holder Financial Planning and Assets
Report Author:	Monitoring Officer
Wards:	Carlisle Urban Wards
Key Decision:	No

1.0 Purpose/Summary of report

- 1.1. The Cumbria (Structural Changes) Order 2022 and draft Supplementary Provisions Order set out the main provisions governing the administrative reorganisation of the seven sovereign Cumbrian Councils and, in particular, establish Charter Trustees for the City of Carlisle. This report seeks delegated authority to agree occupation and use of Cumberland Council buildings and resources by the Charter Trustees.

2.0 Recommendations

2.1 It is recommended that Shadow Executive:-

- (a) Delegates authority to the Monitoring Officer to agree terms for the use of and occupation of part of the Civic Centre by the Charter Trustees; and
- (b) Delegates authority to the s151 officer to agree and pay the funding requested by the Charter Trustees for the first year.

- 2.2 Reason for recommendations: The Charter Trustees for the City of Carlisle will be established from 1st April and shall be entitled to accommodation and to funding.

3.0 Background

- 3.1 Carlisle has held City status from time immemorial and, like other towns and boroughs in the Cumberland District, has a ceremonial mayor whom residents view as a figurehead for community engagement, fund raising and civic pride. The City also holds ancient market and fishing charters, armorial bearings and historic and ceremonial property and regalia.

- 3.2 As the urban area of the city, which largely aligns to the ancient city area, is unparished, Local Government Reorganisation presented a clear risk that the mayoralty, the armorial bearings and the status of being a City would be lost. This has happened elsewhere, including in Rochester in Kent when, following the merger of Rochester on Medway Council and Gillingham District Council into Medway Council in 1998, it was removed from the list of cities maintained by the Lord Chancellor.
- 3.3 Discussions with the Department for Levelling Up, Homes and Communities took place from July 2021 which revealed two options to maintain the historic traditions and the City status – the establishment of Charter Trustees and/ or a Community Governance Review to create a Parish Council for Carlisle.

Charter Trustees

- 3.4 Charter trustees are established under the Local Government Act 1972 and are given effect to by further legislation (the Cumbria (Structural Changes) Order 2022 and draft Supplementary Provisions Order laid before Parliament) in local government reorganisation for towns and cities which have a Royal Charter but which will otherwise lose their status as local government entities following local government restructures.
- 3.5 Charter Trustees are a representative body consisting of the Cumberland Council Members who are elected to represent the area where the ceremonial rights and privileges are to be preserved. Charter Trustees would therefore comprise the councillors elected and representing those unparished wards in Carlisle which are covered by the Trustee area.
- 3.6 In order to preserve the Mayoralty and its Civic and Ceremonial Rights, Privileges, Property and Insignia, Carlisle City Council resolved to support the establishment of Charter Trustees and DLUHC subsequently included the necessary provisions in the Supplementary Provisions Order. This action will also preserve the City Status of Carlisle.
- 3.7 The functions of a Charter Trustee are limited to preserving historic property, privileges, rights and traditions presently enjoyed by a local authority which is to be abolished. They are not permitted to administer mayoral charities and cannot fulfil a twinning role but may award honorary freedoms and alderman status.
- 3.8 “Historic property” means any charter, insignia, plate or other property which is of an historic and ceremonial nature, held by a relevant council, other than land and buildings or any property held for the purposes of any statutory function. A full inventory is set out in the s16 Agreement which is the subject of a separate report to this meeting. It should be noted that ‘preserving’ historic property includes arranging insurance.
- 3.9 Charter Trustees are entitled to claim allowances as if they were members of a parish council and are bound by the Cumberland Council member code of conduct.
- 3.10 Charter Trustees cannot be wound up at a later stage. They only cease if their privileges and rights are transferred to a parish or town council which could follow a Community Governance Review if Cumberland Council resolves to begin such a process.
- 3.11 The Charter Trustees are required to hold an Annual Meeting within six weeks of Vesting Day.

Right to Accommodation and funding

- 3.12 By Regulation 11 of the Charter Trustees Regulations 2009, the relevant council (which here is Cumberland Council) is required to provide accommodation for the proper discharge of the functions of any Charter Trustees on terms which may be determined by agreement between them.
- 3.13 The Charter Trustees will be established from 1st April 2023 and will need to use Cumberland Council premises from that date. The Civic Centre in Carlisle is likely to be the most appropriate location. At this stage it is not clear the extent of the building which will be needed.
- 3.14 The Charter Trustees may also request the council to pay to them such amount as they consider necessary for the discharge of their functions in the first year, in accordance with limits laid down in the Local Government (Structural Changes) (Further Financial Provisions and Amendment) Regulations 2009.
- 3.15 This request for funding may include the cost of appointing such officers as the Charter Trustees think necessary for the proper discharge of their functions.
- 3.16 Once a request for funding is received, the council shall pay that amount to them within 28 days.
- 3.17 For the second year and going forward until a parish or town council is established for the area, the Charter Trustees will be required to calculate budget requirements and precepts in the same way as a principal council.
- 3.18 Delegated authority is, therefore, sought for the Director of Resources as follows:
- a. To agree terms for the use of and occupation of part of the Civic Centre by the Charter Trustees; and
 - b. To agree and pay the funding requested by the Charter Trustees for the first year.

4.0 Consultation

- 4.1 No consultation is necessary as the requirements set out in this Report are laid down by statute.

5.0 Alternative Options

- 5.1 No alternative options have been considered.

6.0 Implications

Financial, Resources and Procurement

- 6.1 There is existing budget provision of £xx,xxx to cover the civic functions and activities of the Charter Trustees, which is considered sufficient to cover the expected activity. Any request for funding over this approved budget would be a pressure unless equivalent savings can be identified from within the service area.

Human Resources

6.2 The report raises no HR issues.

Legal

6.3 Contained in the body of the report.

Health and Sustainability Impact Assessment

6.4 Have you completed a Health and Sustainability Impact Assessment? No

Equality and Diversity

6.6 Have you completed an Equality Impact Analysis? No

Contact Officers

Clare Liddle, Monitoring Officer

Appendices Attached to this Report

None

Background Documents Available

Charter Trustees Regulations 2009

Cumbria (Structural Changes) Order 2022

Local Government (Structural Changes) (Supplementary Provision and Amendment) Order 2023 (draft)