

# Carlisle City Council

## Report to City Council

### Report details

Meeting Date:	11 October 2022
Portfolio:	Leader's Portfolio
Key Decision:	No
Policy and Budget Framework	No
Public / Private	Public
Title:	Civic and Ceremonial Issues Arising from LGR
Report of:	Corporate Director of Governance and Regulatory Services
Report Number:	GD.55/22

### Purpose / Summary:

To inform Members as to the impact of LGR on various civic and ceremonial issues, including the mayoralty and the crest, and to make recommendations for dealing with these issues.

### Recommendations:

That City Council resolves as follows:

1. To transfer its Armorial Bearings and the registered trademark to the Charter Trustees for Carlisle, and to authorise officers to take the appropriate steps, including payment of the fee, to do so;
2. To transfer its ceremonial historic property and civic regalia, including but not necessarily limited to those items in the list at Appendix 1, to the Charter Trustees for Carlisle and to authorise officers to take all appropriate steps to do so;
3. That the tradition of admission to the Ancient Freeman Rolls every year on Ascension Day should be maintained by the Charter Trustees for Carlisle; and

### Tracking

Executive:	
Scrutiny:	
Council:	

1. Members are aware that, after 31 March 2023, Carlisle City Council will be abolished and, on 1<sup>st</sup> April 2023, the new Cumberland Council will come into being.
2. This raises a number of Civic and Ceremonial issues which need to be dealt with. Most of these are in hand, however, there are some decisions which need to be taken by members of the City Council. This report sets out those issues, the relevant background and the decisions which are now required to be made.

## **Background**

3. In July 2021, Central Government announced its intention to create two new Unitary Councils. Discussions immediately commenced between senior council officers and civil servants from the Department of Levelling Up, Housing and Communities (“DLUHC”) as to the content of the legislation which was needed to put this intention into effect.
4. As a result of those discussions, the Structural Changes (Cumbria) Order 2022 (“the SCO”) was made, which is the legal document establishing the single tier of local government in Cumberland. It was also agreed with DLUHC that a Consequential Matters Order (“the CMO”), also referred to as a ‘mopping up’ Order, would be prepared. The CMO will include provisions for dealing with matters which were not covered in the SCO, either because of lack of time or insufficient detail at that earlier stage. At the time of writing this report, a draft of the CMO is expected imminently.
5. Importantly for this report, the CMO is expected to include further provision for continuing Carlisle’s civic, ceremonial, historic and mayoral traditions.
6. Those traditions are currently at risk because, once Carlisle City Council is abolished, it has no town or parish council to which they may be transferred, part of the urban area of the City being unparished.
7. Members will recall that, in December 2021, the City Council resolved to undertake a Community Governance Review of the unparished area of Stanwix Urban, following a petition from local electors to establish a new parish council under the Local Government and Public Involvement in Health Act 2007. Members will receive, at the same meeting as this report, another report seeking a decision following the consultations carried out as part of that Review and setting out other options which include carrying out a further Community Governance Review of the remaining unparished urban area.
8. As an interim measure, however, in order to preserve the current mayoralty, together with Carlisle’s civic and ceremonial rights, privileges, property and insignia, pending the conclusion of the Community Governance Review, officers requested that DLUHC include in the CMO provisions to establish Charter Trustees.

## **Charter Trustees:**

9. Charter Trustees are established under the Local Government Act 1972 and have been used in other reorganisation orders in towns and cities which have a Royal Charter but which would otherwise lose their status as local government entities following local government restructures. The Local Government and Public Involvement in Health Act 2007 provides that LGR implementation orders may provide for the establishment of Charter Trustees. As mentioned above, in the case of Carlisle, it has been agreed that the CMO will establish Charter Trustees, although the precise wording of the Order is not yet available.
10. Charter Trustees are a representative body comprising those members who are elected to represent those wards covered by the respective Trustee area where the ceremonial rights and privileges are to be preserved. There must be a minimum of five Trustees. The Mayor is elected annually from amongst the Trustee membership.
11. Charter Trustees have limited functions, including preserving historic property, privileges, rights and traditions presently enjoyed by a local authority which is set to be abolished. Trustees cannot administer mayoral charities and cannot fulfil a twinning role. These functions will be carried out by the Cumberland Council although, if a town or parish council is subsequently established, it may decide to operate these functions.
12. The creation of Charter Trustees will also remove any lingering doubt that Carlisle's City status is preserved.
13. As indicated above, the establishment of Charter Trustees is intended to be a short term arrangement and will cease once the privileges and rights are transferred to a parish or town council.

#### **Armorial Bearings:**

14. Carlisle City Council is authorised by the Local Authorities (Armorial Bearings) Order 1974 to hold armorial bearings, part of which is the City Crest. Carlisle is the only Cumberland Council named in the 1974 Order and is likely to lose its armorial bearings if no action is taken to preserve the same.
15. It is possible to transfer armorial bearings to another named authority upon submission of a petition and payment of a fee. Officers have been in discussions with the College of Arms to establish the procedure for doing so, and the fee.
16. Transfer will be by way of a Royal Licence through the College of Arms. The fee is presently £3,870, payable in advance.
17. It is recommended that the armorial bearings are transferred to the Charter Trustees for Carlisle and authority is sought from City Council for officers to take the appropriate steps to transfer the armorial bearings (and the registered trademark) to the Charter Trustees.

18. It would be possible to transfer the armorial bearings to the new Cumberland Council. This is not recommended given that its administrative area is much wider than the original geographical area covered by the arms, which is believed to be the original built up area of the city immediately before local government reorganisation in 1974.

### **Ceremonial Historic Property and Civic Regalia:**

19. Civic and Ceremonial Regalia and property are those chattels and property which are not held for the purposes of any statutory function. This includes such items as robes, chains and badges of office, swords, maces, plate and books. It also includes royal charters.
20. A list of the property and regalia is attached at Appendix 1. This is a non-exhaustive list and such items as robes, which are used for ceremonial purposes, may also likely be included.
21. Such property may transfer to the new authority but, in order to preserve the current mayoralty, rights and privileges, it is recommended that it is transferred either to an existing town or parish council or to the Charter Trustees.
22. It is, therefore, recommended that all ceremonial historic property and civic regalia is transferred to the Charter Trustees with delegated authority being granted to the Corporate Director for Governance and Regulatory Services to determine the final list of items.

### **Freemen of the City:**

23. Hereditary Freedom of the City is granted to descendants of freemen of a city or town who will benefit from certain privileges and rights, although most of those privileges and rights have now been ended. Medieval Carlisle was run like a business. In charge was the Mayor, who acted as a 'company director', assisted by a small council of self-appointing advisors. If the Council was a group of 'company directors', the 'company shareholders' were the City Freemen, who were mostly tradesmen or craftsmen belonging to one of the City's eight Trade Guilds. Today, four Guilds remain (butchers, merchants, shoemakers and skinnners and glovers) and the tradition of admission to the Ancient Freeman Rolls every year on Ascension Day is maintained.
24. It is proposed that this is continued by the Charter Trustees for Carlisle.
25. Honorary Freedom of the City is different from the status of freeman. It is purely honorary in nature and confers no rights on the person so recognised. All principal councils, parish and community councils, and Charter Trustees in England may confer the title on persons of distinction or who have rendered eminent service to the local area.

26. A list of those persons who have been conferred with the title by Carlisle City Council is attached at Appendix 2.

27. The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2003 provide that, after reorganisation, honorary freemen will continue to be freemen of an area corresponding to the area of which they were freemen prior to reorganisation. Further, the Regulations preserve the rights of honorary freemen and ensure that services rendered to an abolished council can be treated as services rendered to the new council.

28. The Charter Trustees for Carlisle will have the power to award honorary freedoms by virtue of s249 of the 1972 Act, and no further resolution is required by Members.

### **Risks**

29. The risk of not taking the recommended actions is that the civic and ceremonial traditions and regalia may be lost.

### **Consultation**

30. None required.

### **Conclusion and reasons for recommendations**

31. For the reasons set out in this report it is recommended that City Council resolves as follows:

- a. To transfer its Armorial Bearings and the registered trademark to the Charter Trustees for Carlisle, and to authorise officers to take the appropriate steps, including payment of the fee, to do so;
- b. To transfer its ceremonial historic property and civic regalia, including but not necessarily limited to those items in the list at Appendix 1, to the Charter Trustees for Carlisle and to authorise officers to take all appropriate steps to do so;
- c. That the tradition of admission to the Ancient Freeman Rolls every year on Ascension Day should be maintained by the Charter Trustees for Carlisle; and
- d. That the ability to confer the honorary freedom of the City of Carlisle should be continued by the Charter Trustees for Carlisle.

### **Contact details:**

Contact Officer: Clare Liddle

Ext: 7305

### **Appendices attached to report:**

- Appendix 1: list of ceremonial property and regalia
- Appendix 2: list of honorary freemen and freewomen

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

**Corporate Implications:**

Legal – included within the report

Property Services - none

Finance – The Council's civic regalia are of significant value and importance and are insured by the City Council for a total sum of £568,820 for 2022/23. Any new body taking on responsibility for the items will need to ensure the regalia remains adequately insured. This will require adequate budgetary provision to be made. Any costs incurred in the transfer will need to be met from existing budgets.

Equality - none

Information Governance - none

## Appendix 1

### **Civic and Ceremonial Property and Regalia**

Chains & Badges of Office for Mayor & Mayoress  
Chains & Badges of Office for Deputy Mayor & Mayoress

Flensburg Salver (March 1964)  
John Laing Bowl (March 1964)  
Nalgo Salver (March 1964)  
Cumberland County Council Salver (March 1964)  
Carr & Company Ink Well (1964)  
Metal Box Tray & Tea Set (April 1964)  
Carlisle Municipal Airport Ink Well (March 1934)  
Royal Observer Corps Decanter (1985)  
Four Limited Edition Figurines (KORBR)  
Royal Maundy Money & Purses (March 1978)  
Carlisle United Salver (May 1997)  
HMS Carlisle Silver Cup - SA National Lewis Gun Competition  
(December 1935)  
Commonwealth Games Baton (2002)  
Edmund Lund Rose Bowl  
Eboracum-Luguvalio Scroll (May 2004)  
Silver Rose Bowl - Cumbria in Bloom 2012

The Corporation of Carlisle Cup (1727)  
Border Regiment "Soote" Punch Bowl (September 1882)  
Former Mayoral Chain & Badge of Office (October 1850)  
Three Maces (1650)  
Mace (1685)  
Sword (1509)

John Laing Gold Sweet Dish (September 1960)

## Appendix 2

### **City of Carlisle Freeman's Roll**

*List of Honorary Freeman admitted since the passing of the Honorary Freedom of  
Boroughs Act, 1885*

<u>Name</u>	<u>Admitted</u>
James Robert Creighton, Esq, J.P	13 August 1889
Richard S Ferguson, Esq, J.P, DL, F.S.A	11 February 1896
William Irwin Robert Crowder, Esq, J.P, DL	14 December 1897
The Right Hon. Viscount Selby of the City of Carlisle	13 June 1899
General H.R.H Prince Christian of Schleswig Holstein, K.G	7 July 1902
Sir Benjamin Scott J.P	11 September 1906
The Right Hon. Viscount Ullswater . P.C	9 June 1908
T. Woodrow Wilson Esq	27 December 1918
General Sir John Stevens Cowans	18 September 1919
Sir Frederick William Chance K.B.E, J.P, DL	4 May 1921
Alderman Francis Peter Dixon, J.P	4 May 1921
George White, Esq, J.P	4 May 1921
Alfred Henry Collingwood, Esq, O.B.E	4 March 1924
Ernest Page, Esq, K.C	7 April 1926
Joseph Pattinson Buck, Esq, J.P	21 June 1926
Miss Mary Ellen Creighton, J.P	22 September 1927
Alderman Thomas Ridley, J.P	21 February 1933
Archibald Creighton, Esq, J.P	28 February 1935
Field Marshall The Right Hon. The Viscount Montgomery of Alamein, K.G, G.C.B, D.S.O	17 May 1947
Alderman Herbert Atkinson, J.P	2 April 1951
Matthew Thompson, Esq, J.P	11 October 1951
William W Edel, Esq	5 March 1952
Sir Robert Chance, B.A, J.P	21 October 1952
Ritson Graham, Esq, J.P	24 June 1965
Councillor Captain Clement Norman M.B.E, J.P, DL	24 June 1965
Miss Elizabeth Welsh	24 June 1965
Frederick William Wadely, Esq, O.B.E, M.A	18 February 1966
The Right Reverend Thomas Bloomer M.A, D.D	21 October 1966
William Stanley Graham, Esq	14 March 1974
H.R.H The Prince of Wales	29 January 1986
Ronald Howard Lewis, Esq	28 November 1988
The Right Honourable William Whitelaw	28 November 1988
Hugh Little, Esq, O.B.E	26 October 1990



Ronald Wilson Esq	26 October 1990
James Frederick Long, Esq	9 July 1996
His Honour Judge Paul Batty QC	21 March 2016
Eric Martlew, MP	21 March 2016
Michael Mitchelson	21 March 2016
Revered Canon William Roan	21 March 2016
Ivor Broadis	8 October 2018
RAF, Spadeadam	2 June 2018