Appendix 8

The Mayoralty of Bath

1. Charter Trustees

The concept of Charter Trustees dates from Local Government re-organisation in 1974. Their express purpose is to preserve the continuing of a town or city charter after a Council with status of borough and/or city (the former Bath City Council) has been abolished until such time as a parish council is established.

1. What is their role?

To hold and preserve the Charter granting City Status. Any such charter will have reference to a mayoral role.

Many Charter Trustees have secured the transfer of their Charter to a successor Parish Council.

The only statutory references to their role are:-

Privileges and rights of charter trustees

The charter trustees established by regulation 3 -
(a) may in every year elect one of their number to be city or, as the case may be, town mayor and another to be deputy city or, as the case may be, deputy town mayor: and
(b) may, subject to any provision made by a grant under Her Majesty’s prerogative or any provision of a charter granted by Her Majesty under section 245 of the 1972 Act, exercise any powers to appoint local officers of dignity exercisable immediately before the establishment date by the council of the existing city or, as the case may be, borough the whole or part of the area of which comprises the area for which the charter trustees are established.

Acquisition of property

Charter trustees may acquire, or accept gifts of, and hold historic or ceremonial property (other than land and buildings) and, in particular, charters, insignia and plate, of the area for which they act and may execute any work (including works of maintenance or improvement) incidental to or consequential on the acquisition, acceptance or holding.

1. Could it be expanded?

Not without primary legislation – which would require either government support or the passing of a private members’ Act. The timescale for private bills is measured in years rather than months.

1. Is such a change likely?

In my view it is highly unlikely. There is an existing mechanism whereby the continuity of the Charter and the Mayoralty can be preserved namely the creation of one or more parishes in the unparished area. It would be necessary to explain why such a route could not be followed.

1. Could there be a civic mayor for Bath & North East Somerset Council?

This would only be possible were BANES to successfully petition Her Majesty for Borough Council status. Borough Status is not granted frequently. Borough status does not affect the current arrangements for the City Charter and Mayor. The Mayor of Bath would continue as would the Charter Trustees. If Borough Status were granted, the Chairman of Council would be entitled to the title of Mayor of BANES.

1. What happens to the Charter if a Community Governance Review is held and one or more parish Council is created?
2. One Parish Council covering whole area – Charter Trustees abolished, Chair of new Council becomes Mayor.
3. Two or more Parish Councils covering whole area – the Order made (by BANES) creating the new Councils will specify which one will be responsible for the Charter.
4. One or more Parishes created but not covering the whole unparished area – in those wards where parishes are created, the members who are charter trustees for that ward/wards cease to be Charter Trustees. The Charter Trustees’ ‘scope’ is limited to the unparished area(s).

This Information was provided to Vernon Hitchman, B&NES Council, Divisional Director (Legal & Democratic Services)