# **Shadow** Dorset Council

Date of Meeting	14 January 2019	
Lead Member	Spencer Flower, Chairman, Governance Working Group	
Officer	Jonathan Mair, Interim Monitoring Officer	
Subject of Report	Civic Functions - Armorial Bearings and Chains of Office of Sovereign Councils, and future requirement for Dorset Council	
Executive Summary	This report primarily deals with armorial bearings and chains of office, but also covers a wide range of matters pertaining to civic functions which are included for information and the Shadow Executive are asked to note. Areas covered include:  • Armorial bearings (recommendation to be approved by Shadow Executive)  • Chains of office (recommendation to be approved by Shadow Executive)  • Chairman's Boards (recommendation to be approved by Shadow Executive)  • Chairman's transport (recommendation to be approved by Shadow Executive)  • Charter rights (to note current position);  • Honorary aldermen and freedom of the borough – to be noted  • Lord Lieutenant and High Sheriff – to be noted  • Council flags – to be noted  It is understood that a number of sovereign councils currently use armorial bearings, and chairmen are currently provided with a chain of office.  This report also proposes how existing council assets such as these might be handled once the sovereign councils have been dissolved.  We have also placed this in the context of the affirmative order currently being drafted by the Ministry of Housing, Communities and Local Government, which deals with matters pertaining to civic functions.  This was considered by both the Programme Board on 24 <sup>th</sup> October and the Governance Working Group at their meeting on the 31 <sup>st</sup> October who supported the recommendations.	
Impact Assessment:	Equalities Impact Assessment:	
	It is not felt that an EQiA is required for the purposes of this report.	

Use of Evidence:

Not applicable.

#### Budget:

If the recommendations are accepted then the likely costs to be incurred are estimated to be:

- £7000 for the transfer of armorial bearings
- £1000 for work on the Chain of Office
- £2000 for the provision of a new Chairman's Board

#### Risk Assessment:

Having considered the risks associated with this decision using the LGR approved risk management methodology, the level of risk has been identified as:

Current Risk: LOW Residual Risk LOW

#### Other Implications:

There are no other implications.

#### Recommendation

#### That the Shadow Executive:

- 1. Confirms agreement to the transfer of existing armorial bearings used by Dorset County Council to Dorset Council and approves the making of an application to the College of Heralds
- 2. Approves the recommendation that the existing Dorset County Council Chairman's chain of office be modified to serve as the chain of office for Dorset Council.
- 3. Approves the recommendation that all other sovereign councils' chains of office, insignia including flags, and memorabilia be transferred to the History Centre for safe keeping, or sovereign councils be allowed to enter into arrangements with successor town councils or local museums e.g. Priest House Museum in Wimborne, to enable former insignia to be put on public display as part of Dorset's substantial heritage.
- 4. Confirms agreement to the recommendation around Chairman's transport.
- 5. Confirms that Dorset Council will require a new Chairman's Board and that existing Boards shall either remain in situ or be transferred to the History Centre.
- 6. Notes the position regarding existing charter rights.
- 7. Notes the position regarding the Lord Lieutenant, High Sheriff, Honorary Aldermen and women, and Freedom of the Borough or District.
- 8. Confirms that the decision on whether or not to commission a new council flag is a decision for Dorset Council to be taken after 1<sup>st</sup> April 2019.

Reason for Recommendation	<ol> <li>To preserve the validity of existing armorial bearings after 1st April 2019 and to avoid those which can be transferred to Dorset Council from falling into abeyance.</li> <li>To ensure that the new council's chairman will be invested with a suitable chain of office on the occasion of their appointment at the first full council meeting of Dorset Council.</li> <li>To provide clarification around a range of issues to allow Civic Support Officers to plan for Vesting Day.</li> </ol>	
Appendices	Appendix A – Response from the College of Heralds	
Background Papers	None	
Officer Contact	Name: Jonathan Mair Tel: 01305 224181 Email: j.e.mair@dorsetcc.gov.uk	
Date agreed by Lead Member	6 <sup>th</sup> December 2018	
Date agreed by Statutory Officers	This section will be completed by the Programme Team	

#### 1. BACKGROUND

- 1.1 On Vesting Day 1st April 2019 the new unitary authority of Dorset Council will be created, and the former District Councils of West Dorset, North Dorset, East Dorset and Purbeck, Weymouth and Portland Borough Council, and Dorset County Council will cease to exist.
- 1.2 It has been recognised that a number of the existing sovereign councils are currently furnished with a coat of arms, issued under royal licence, and this has raised the question as to what should become of these after 31st March, and whether or not Dorset Council would wish to either adopt an existing coat of arms, or commission the design of new armorial bearings.
- 1.4 While this is not considered to be critical in the sense that it falls into either "safe" or "legal" criteria, it is recognised that armorial bearings have a sentimental value to a wide range of members, officers and members of the public.
- 1.5 Councils currently using armorial bearings are:
  - Dorset County Council
  - West Dorset District Council
  - East Dorset District Council
  - Weymouth and Portland Borough Council

North Dorset and Purbeck District Councils do not make use of armorial bearings.

It should be noted that the current Dorset County Council crest was granted in 1950 so represents the pre-1974 county area. The three lions represent England and lions are found in the arms of Dorchester, Bridport, Lyme Regis, Weymouth and Blandford

Forum. Lions' faces are also in the coat of arms of Shaftesbury. The fleur-de-lis appears in the shields of Dorchester, Bridport, Wareham and Shaftesbury. The mural crown is designed to echo the insignia of the Dorset Regiment and the Society of Dorset Men and the golden dragon or Wyvern represented the ancient kingdom of Wessex.

- 1.6 These armorial bearings are often, though not always, incorporated on a chain of office worn by the chairman of a council, and again these exist for:
  - Dorset County Council
  - Weymouth and Portland Borough Council
  - East Dorset District Council
  - West Dorset District Council
  - North Dorset District Council

Purbeck does not use a chain of office, but a ribbon with an enamelled image of Corfe Castle attached instead of a coat of arms.

1.7 Democratic Services have considered how these should be treated once the councils are dissolved next year and have sought the advice of the College of Heralds, who are the governing body in respect of coats of arms. The advice they have provided is covered in the next section.

# 2. Advice from the College of Heralds

A number of questions were submitted to the College of Heralds and the York Herald has provided guidance on what is permitted, and the options available to each council. He has also given an indication of the costs involved. The full responses to the questions posed, which included those affecting Bournemouth, Poole and Christchurch, are shown at Appendix A to this paper.

The key points in his set of responses as far as Dorset Council is concerned are as follows:

- A coat of arms can only be transferred to a council which covers a similar area to its predecessor council. Accordingly:
  - Dorset Council could apply to transfer the arms of the County Council as geographically speaking it essentially covers the same area but could not apply to transfer any of the others
- Transfers of coats of arms are carried out by Royal Licence.
- The production of a new coat of arms can take up to twelve months.

Former coats of arms which are not transferred can be displayed in museums and do not need to be destroyed.

#### 3. Costs

The College of Heralds also confirmed that the cost of transferring armorial bearings or creating new would be:

Transfer of arms
 Cost of new arms with crest
 Cost of new shield only
 £3,350 per licence
 £12,775 per grant
 £7,373 per grant

The Monitoring Officers had hoped to persuade the Ministry of Housing, Communities and Local Government ("MHCLG") to include a provision for this in the affirmative order covering civic functions, which would have permitted existing councils to transfer their arms without applying to the Queen for a grant. The MHCLG have however stated that they do not intend to include this in the affirmative order and that councils will therefore need to apply to the College of Heralds to obtain the requisite grant of a Royal Licence.

The cost of a new chain of office can vary considerably, but a budget estimate of £10,000 has been allowed for the commissioning and purchase of a new one for Dorset Council. A more cost effective solution therefore would be to adapt the existing Dorset County Council chain of office for Dorset Council by removing the shields recording the names of past chairmen and fixing new blank shields for future appointments. The existing shields would be passed to the History Centre for safe-keeping.

## 4. Existing Sovereign Council Insignia and Memorabilia

While this report recommends exercising financial restraint and making use of existing insignia wherever possible, this will still leave a considerable number of assets in the form of former chairmen's chains of office, together with pictures and other memorabilia. It is recommended that as a general principle these items be left to the discretion of each sovereign council to dispose of as they see fit, making use of the History Centre or local museums as appropriate, or transferring to successor town councils.

#### 5. Chairman's Boards

The District Councils currently display boards recording the names of previous Chairman. It is proposed that these either be allowed to remain in situ as an important piece of Dorset Council's heritage, or sovereign councils be allowed to transfer their boards to the History Centre.

It is also recommended that a new board be commissioned for Dorset Council, to be displayed in a public area of its principal building.

#### 6. Honorary Aldermen and Freedom of the Borough

Several councils currently have or have indicated a wish to create honorary aldermen before or on 31<sup>st</sup> March 2019. Under the provisions of the order relating to civic matters, these will transfer on the 1<sup>st</sup> April 2019 to Dorset Council, which will have the powers to create Honorary Aldermen in its own right from the 1<sup>st</sup> April 2019. This also applies to Honorary Freemen

It is understood that Weymouth and Portland Borough Council has granted the freedom of the borough to HMS Portland, the Rifles and the Sea Cadets, and Purbeck District Council has granted the freedom of the District to the Junior Leaders' Regiment Old Boys' Association and the Royal Armoured Corps Armour Centre.

## 7. Lord Lieutenant and High Sheriff

The Affirmative Order will make adjustments to the nomenclature of the areas covered by both the Lord Lieutenant and the High Sheriff, but their roles will remain unchanged as a result of the creation of Dorset Council and BCP Council.

The Lord Lieutenant will need to decide who will become their official Clerk, but it is assumed that the current arrangements involving the Deputy Clerk, part of Dorset County Council Democratic Services, will continue as at 1<sup>st</sup> April 2019.

# 8. Charter rights

There currently exist a number of charters that relate to different areas of the existing Councils. Some of these convey various rights which can include rights relating to the holding of markets. The existing orders provide for all rights of the existing Councils to transfer up to Dorset Council. Subject to the odd exception (such as the right to be identified as a borough), it is currently anticipated that this should apply to most charter rights as well.

It is not expected that at this stage there remains time to make further adjustments to the existing orders. Therefore, to the extent that any issues remained relating to such charters / different arrangements were wanted, then this would need to be resolved post 31st March 2019 and potentially might require the seeking of a new charter to amend any existing provisions.

## 9. Chairman's Transport

At present the only council within the Dorset area which provides its chairman with a form of transport is East Dorset, which has a leased vehicle (the lease expiring on 31st March 2019) and which is chauffeured by one of the Democratic Services housekeeping staff as part of a set of wider duties.

Across the rest of Dorset, Chairmen use their own vehicles as required.

It is recommended that Dorset Council adopt the approach used by most sovereign councils and future Chairmen are responsible for making their own transport arrangements.

# 10. Council Flags

A number of district councils and Dorset County Council currently have a council flag, which is flown on occasion from the official flagpoles at or near their principal office locations. It is understood that these will not be flown after 31st March 2019.

It is not viewed as critical for the new council to have an official flag on 1st April and therefore this paper recommends that any decision as to whether or not a new flag be designed, or an existing one adopted, to represent the whole of the unitary authority be left for the new Dorset Council to decide upon as part of its new order of business from May next year.

#### 11. Risks and Issues

There is no perceived risk to the set-up of Dorset Council, but we believe that these are issues which need to be addressed so clear guidance can be given to sovereign councils regarding their existing emblems of office, and for a clear strategy to be defined for Dorset Council which will have taken on board the views of members.

#### 12. Recommendations

This paper recommends the Shadow Executive

 Confirms agreement to the transfer of existing armorial bearings used by Dorset County Council to Dorset Council and approves the making of an application to the College of Heralds

- 2. Approves the recommendation that the existing Dorset County Council Chairman's chain of office be modified to serve as the chain of office for Dorset Council.
- 3. Approves the recommendation that all other sovereign councils' chains of office, insignia including flags, and memorabilia be transferred to the History Centre for safe keeping, or sovereign councils be allowed to enter into arrangements with successor town councils or local museums e.g. Priest House Museum in Wimborne, to enable former insignia to be put on public display as part of Dorset's substantial heritage.
- 4. Confirms agreement to the recommendation around Chairman's transport.
- 5. Confirms that Dorset Council will require a new Chairman's Board and agrees the proposal on how existing Chairman's Boards are handled.
- 6. Notes the position regarding charter rights.
- 7. Notes the position regarding the Lord Lieutenant, High Sheriff, Honorary Aldermen and women, and Freedom of the Borough or District.
- 8. Confirms that the decision on whether or not to commission a new council flag is a decision for Dorset Council to be taken after 1<sup>st</sup> April 2019..

# Appendix A – Advice provided by the York Herald

Question	Response / Advice
Bournemouth and Poole are both seeking to establish Charter Trustees through an affirmative Order the boundaries of which will follow the existing borough council boundary (except for a small parish area in Bournemouth). The Charter Trustees will uphold and celebrate the historical civic and ceremonial traditions of each Borough. They both wish to retain the Borough Charter and the Coat of Arms.  What is the process required to transfer the Coat of Arms to each Charter Trustee? Is there a cost? What is the typical timeline?	It would be necessary in each case to submit a petition for a Royal Licence to transfer the Arms to the Charter Trustees. Once issued, the Kings of Arms here would need to issue their own Certificate confirming the transfer.  Cost: £3350 per Licence, including all documentation and Certificate.
Christchurch Borough Council is to be abolished on 1 April 2019 and decided to undertake a Community Governance Review. Following the process, the Council has determined to establish two new Councils, a Neighbourhood Council for Highcliffe and Walkford and a Town Council for remainder of the unparished area. The new Town Council boundary better reflects the historic boundary of Christchurch, the Royal Charter and the Mayoralty which dates back to the 13 <sup>th</sup> Century. The desire is for the Town Council to retain the Coat of Arms for Christchurch which will continue to maintain the civic and ceremonial traditions of the Town.  What is the process required to transfer the Coat of Arms to the Town Council? What will the cost be? What is the	Arms were granted to the Corporation of the Borough of Christchurch 15 December 1970 and then transferred to the new Borough Council of Christchurch by Order in Council 19 May 1976. It should again be possible to transfer these Arms to the new Town Council, provided the area is not too different from that covered by the old Corporation.  Cost: £3350, including all documentation and Certificate.
to the Town Council? What will the cost be? What is the timeline?  Weymouth and Portland Borough Council is similar to Christchurch in that it has established a Town Council for Weymouth, in addition to the Town Council for Portland.	The Arms of the Corporation of Weymouth and Melcombe Regis were transferred by Order in Council 19 May 1976 to the Borough Council of Weymouth and Portland. Crest,
	Supporters and Badge were granted to the council 4 November 1977.  I expect that neither of the new councils covers an area similar to that of either former council. New grants of Arms would therefore be required if the councils are to be able to bear Arms. This process usually takes about a year or so, depending on various factors including the design process.
	Cost: Arms and Crest: £12,775 per grant. Shield only: £7,373 per grant.
The new Dorset Council is to be established on 1 April 2019 and will comprise the areas of East Dorset, North Dorset, Purbeck, West Dorset and Weymouth and Portland. The area is currently two-tier and therefore encompasses the area covered by the existing Dorset County Council (with the exception of Christchurch).	A grant of Arms and Supporters was made to Dorset County Council 21 February 1950. These were transferred to the new Dorset County Council by Royal Licence 24 February 1995. Crest and Badge were then granted to the new Council 29 October 2009.
What are the options for the use of any of the existing Coats of Arms from the predecessor councils. It is understood that the Coat of Arms for the existing Districts (which have one) may not be adopted as they do not represent sufficient coverage of the new Council area. Historically, the county of Dorset did not include	It should be possible to transfer by Royal Licence the Arms of the old Dorset County Council, to the new body, if the area is roughly the same as the pre-1972 body. The Crest and Badge were granted to the new body, but we might be able to argue that they should stay together.
Christchurch, and therefore would it be reasonable to expect that the existing County Coat of Arms may be	Cost: £3350 per Licence, including all documentation and Certificate.

# Page 9 – Civic Functions for Dorset Council

Question	Response / Advice
adopted and transferred (if this was desirable) to the new Council?  What would physically happen to the existing coats of arms if they are not transferred or use by the new councils?  Could they be retained in the historical archives and displayed in local museums? We presume they will not require destruction?	In this and all other cases, the Arms don't need to be destroyed and can certainly be displayed in an archive or museum. But they cannot be used on signage, stationery or in a way that suggests they belong to the new council.
What is the position for any organisations that may be using all or part of an existing Coat of Arms (e.g., Dorset Law Society uses the County Arms)?	No outside organization should use the Arms of a local authority. They are granted strictly to the authority for their own use. The exception to this is use by Crown bodies such as Police, Fire and Ambulance services who are permitted to use the Arms of the County Council in their Badges. Not all do this.
If it is determined that the existing Coat of Arms is not transferred for Dorset, what is the process, timeline and cost of obtaining new Coats of Arms?  The new Council for Bournemouth, Christchurch and Poole will also not have a coat of arms. Again what is the process and cost if one is required?	Cost: Arms and Crest: £12,775 per grant. Shield only: £7,373 per grant.
If either or both councils decide not to obtain a new coat of arms for 1 April 2019 but defer this to a later date to reflect corporate and local identity, what will the options be for Day 1? It is anticipated that the new Chairman of both Councils will expect to be awarded with a Chain of Office. The badges currently bear the coat of arms of the respective council. Would it be possible to transfer an existing Coat of Arms for an interim period (e.g., 2 to 3 years) and subsequently replace it with a fresh design in due course?	No interim approach such as this is really possible. The transfers are made by the Crown by means of a Royal Licence (a Warrant).  The process of drafting and submitting petitions for Royal Licences can take some time, and the completed Warrants don't arrive quickly. This is not a problem. If the decision has been made to proceed with seeking a transfer, and the process begun and fees submitted, we would seek outline approval for the transfer at once. This would then enable councils to behave as though the transfer had already been made.
We understand that some councils (outside Dorset) may licence the use of their Coats of Arms by third party organisations, possibly for a fee. We are unclear as to the lawfulness of this practice. Reference is also made to the Law of Arms. We are not familiar of the Law of Arms. Is it possible to obtain a copy?	There is no statute law governing this aspect of the use of Arms but it is not lawful for councils to licence the use of the Arms, whether for a fee or otherwise. Arms are akin to an honour granted by the Crown and may be borne only by the body to which they have been granted.