

<i>COMMITTEE</i>	REGENERATION AND COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE
<i>DATE</i>	4 MARCH 2003
<i>TITLE OF REPORT</i>	ROCHESTER CITY STATUS
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1 PURPOSE OF THE REPORT

- 1.1 To respond to the recent council motion on City Status for Rochester.

2 RECOMMENDATIONS

- 2.1 Members are recommended to consider the options available and to make an appropriate recommendation to council.

3. THE HISTORICAL CONTEXT

- 3.1 At the council meeting on the 15 January members unanimously passed the following motion:

“The council regrets the loss of the historic and formal City Status previously conferred upon Rochester and in principle supports action being taken by the council to seek the restoration of that status. Details of the options available, the procedures to be followed pursuant to this aim, and of the financial implications, should be the subject of a report by officers to the March meeting of the Regeneration and Community Overview and Scrutiny Committee.”

- 3.2 This report seeks to put the matter into historical context and outline options, which may be available to members.

- 3.3 From early times, local communities petitioned the Crown for Charters of Incorporation granting rights and privileges and certain freedoms. Rochester was among these and it is apparent that Rochester acquired City Status in the early part of the 13th century.

- 3.4 Legislation in the 19th century reviewed and established a new framework for local government, much of which still applies to local government in the 21st century. The key aspect of this was the creation of boroughs and county boroughs. Many boroughs and county boroughs were also cities. There is no practical difference in legal status. Cities were effectively boroughs or county boroughs, which had a diocesan bishop or which by letters patent or royal prerogative, had been created a city, or had acquired city status by prescription.

- 3.5 Key changes to local government organisation were brought in the 1970s. Under the 1970 re-organisation the City of Rochester was merged with the Borough of Chatham and part of the rural district of Strood to form a new authority. From information provided to the Rochester Historical Society, the pre-1974 city council successfully petitioned the Queen for special letters patent permitting the historic city to continue to style itself as the City of Rochester. The Queen was again petitioned for Rochester City Status to be extended to the whole borough created in 1974. Special letters patent granted in 1982 gives City Status to Rochester upon Medway and superseded the 1974 grant. This is confirmed by a letter from the Home Office Constitutional Unit to the Secretary of the City of Rochester Society.
- 3.6 Rochester upon Medway City Council of course ceased to exist as an area of local government on the 1 April 1998 by virtue of Statutory Instrument 1996/1876 (The Kent (Borough of Gillingham and City of Rochester upon Medway) (Structural Change) Order 1996. It was at that time that the present situation arose.
- 3.7 The Local Government Act 1972 abolished cities as units of local government. However, that act as amended by the Charter Trustees Act 1985 does make provision for the retention of some of the privileges and dignities of former city local authorities.
- 3.8 Under the statute this depending on the specific circumstances of a reorganised authority can happen in three ways:
- (i) a whole newly constituted area could take on the name of a former constituent authority which had city status
 - (ii) where the city had the status of a town or a parish council, then city status could continue to be conferred on that authority in that capacity;
 - (iii) in other cases, the identity of the former city was retained through the appointment of Charter Trustees.
- 3.9 The third option was open to the constituent authorities at reorganisation. Accordingly, the then Department of the Environment, Transport and the Regions advised in 1997 that when Medway was established Rochester City Status and its ceremonial rights and privileges would cease unless Charter Trustees were appointed for the relevant area.
- 3.10 Charter Trustees are a body consisting of district councillors representing the former city. Where the number of councillors falls to less than three the new authority can make up the difference by appointing local government electors for the area of the former city. The Charter Trustees are able to elect one of their numbers as a mayor so as to make a precept on the new authority for legitimate expenses relating to carrying out ceremonial functions as part of city status.

- 3.11 It is apparent that a conscious decision was made by the former Rochester upon Medway City Council not to proceed to make the appointment of Charter Trustees. (Minute 1197 of the Rochester upon Medway City Council refers)

4. OPTIONS AVAILABLE TO RESTORE CITY STATUS

- 4.1 A retrospective application cannot be made by Medway Council on behalf of the former Rochester upon Medway City Council and Gillingham Borough Council to appoint Charter Trustees even if that is the wish of this authority. The 1972 Act makes it clear that that is a decision that would have needed to be made by Medway's predecessor authorities.
- 4.2 Beyond that there is little or no historical precedent for this situation. St. David's in Wales lost City Status through local government re-organisation at the end of the 19th century. After much persistence it appears that City Status was either restored or granted depending on perspective when the Queen attended a service at the Cathedral at St. David's in 1994 using the occasion to present letters patent for City Status. There, much reliance was placed upon St. David's historic status. This presents itself as probably the only option available to Medway to formally restore City Status.
- 4.3 However, whereas St. David's lost its City Status in the 19th century it retained its separate status within larger authorities as a parish/community council.
- 4.4 Guidance is being sought from the relevant local authority area and the Constitutional Unit of the Lord Chancellor's Department, which has taken over responsibility for such matters from the Home Office.
- 4.5 It is also open to the council to petition Her Majesty the Queen to seek the restoration of city status to the historic area of Rochester. While there can be no guarantee of success, particularly since there were new grants of city status in 2000 and 2002, it is still open to the council to try.
- 4.6 A further option arises from a letter sent by the then Home Office Constitutional Unit to the City of Rochester Society, which has been provided to this council. As well as providing some useful historical background information, that letter concludes by indicating "although our conclusion is Rochester no longer has City Status, we see no objection to references to its historic status as a city, including the name of your society."
- 4.7 Clarification is being sought on the above from the Constitutional Unit of the Lord Chancellor's Department. If there were no objection by the Constitutional Unit of the Lord Chancellor's Department then continued reference could be made to Rochester's historic city status.
- 4.7 The policy position of the council is of course to seek City Status for the whole of Medway. Again, whilst there is no historical precedent, both applications for City Status did make reference to part of the area previously having such status. Therefore the two positions are consistent with each other.

5. CONCLUSION

- 5.1 This situation is virtually unique with there only being one recent historical precedent of City Status being lost and regained. The Lord Chancellor's website makes it clear that City Status whilst being a unique mark of distinction is a purely honorific title which confers no additional powers or functions on a town. City Status is now ordinarily granted to mark occasions of special national significance eg the millennium or Golden Jubilee.
- 5.2 If members wish to pursue the grant of City Status then, given the unique nature of such an application, they may wish to retain the services of an expert constitutional lawyer to advise generally and prepare the application to the Crown for the restoration of city status. In the narrow field of specialisation this is likely to cost in excess of £15,000. Seeking recognition through reference to the historical status of Rochester as suggested by the Home Office, or seeking to petition the Queen may be a viable option.
- 5.3 If, as in the case of St. Davids, it is argued that Rochester's historic city status should be restored based on Rochester's long tradition as a city then, an application could be made through petition to the Queen based on the area granted City status by special letters patent in 1974

6. LEGAL IMPLICATIONS

- 6.1 The legal implications are contained in the body of the report.

7. FINANCIAL IMPLICATIONS

- 7.1 The cost of seeking external support could not be covered from this year's or next year's allocation for the legal services budget and additional provision would need to be made.
- 7.2 Further implications would depend upon whether or not the advice given required the appointment of Charter Trustees who would be able to precept on the authority.

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