

LOCAL GOVERNMENT REORGANISATION - CHARTER TRUSTEES

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Wards affected:	(All Wards);
Appendices (attached):	None

Summary

This report proposes that this Council takes steps to ensure that the Civic responsibilities of the Council are preserved so that the ceremonial office of Mayor of Epsom and Ewell can continue beyond vesting day next April.

Recommendation (s)

The Council is asked to:

- (1) Request that the Ministry of Housing, Communities and Local Government establish Charter Trustees for Epsom and Ewell by way of legislation;**
- (2) Recommend that East Surrey Council consider the request of this Council and support the establishment of Charter Trustees for Epsom and Ewell.**

1 Reason for Recommendation

- 1.1 This report recommends that the Council seeks the establishment of Charter Trustees for the Epsom and Ewell area, so as to preserve the ceremonial office of Mayor of Epsom and Ewell beyond vesting day next April. This requires a decision by the Secretary of State for Housing, Communities and Local Government, who has indicated through their officers that such a request must be supported by the relevant successor council, namely East Surrey Council.

2 Background

Purpose of Charter Trustees (CT)

- 2.1 The officer of ceremonial mayor ends on vesting day; within predecessor borough councils (such as EEBC), there is the option of requesting that East Surrey Council take over and continue those ceremonial aspects (also referred to as borough status).

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- 2.2 Charter trustees can be created in unparished former borough areas to preserve ceremonial functions and borough status (e.g. mayoralty, civic traditions, regalia). They consist of councillors elected to either East of West Surrey Councils representing the former borough area; they do not have any decision making/local government powers.

Where can Charter Trustees be appointed to

- 2.3 In fully unparished areas, CTs can be established for the whole former borough. This applies to the area comprising the Borough Council wards (as those wards exist as of 31st March 2027) rather than the newly adopted East Surrey Council Wards used in the May 2026 elections.
- 2.4 In mixed parished/unparished areas, CTs can cover only the unparished parts and would be able to hold the ceremonial assets of the former borough.

Situation in Epsom and Ewell

- 2.5 The Districts of Epsom and Ewell were awarded a Royal Charter in 1973 in accordance with the Local Government Act, 1972. The Charter:
- conferred 'Borough' status on the Districts of Epsom and Ewell,
 - changed the name of the Authority to Epsom and Ewell Borough Council,
 - entitled the Chair and Vice-Chair of the Authority to be styled Mayor and Deputy Mayor, and
 - enabled civic and ceremonial functions to be undertaken
- 2.6 This Council has a number of other Charters, which further to discussions held with officials from the Ministry of Housing, Communities and Local Government, it would appear could also be transferred across to CTs (across all wards rather than based upon their geographical ward location), such as:
- Royal Charter to hold a Market - All Wards;
 - Epsom Common Charter – All Wards
 - Nonsuch Park Charter – All Wards
 - Fair Green Charter – All Wards

Further actions to take on Charter Trustees

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- 2.7 The Ministry of Housing, Communities and Local Government ('MHCLG') have requested confirmation as to whether any predecessor councils wish to enable the continuation of the tradition of the Mayoralty following vesting day and that this be decided before the summer.
- 2.8 They have also asked to that East and West Surrey Councils be consulted on this and be asked to confirm if they support the creation of CTs in their areas or not.

Who can be a CT?

- 2.9 This later request acknowledges that CTs must be members from the relevant successor authority: in this situation that would be East Surrey Council.
- 2.10 Charter trustees are a non-political and non-statutory role with the objective being to maintain and promote the historic and ceremonial traditions for the historic area. As noted earlier, CTs has no decision-making powers.
- 2.11 Under the Charter Trustees Regulations 2009, Charter Trustees are automatically the Councillors elected for the area and there must be a minimum of five CTs for the area. This role involves no further election as any Councillor representing one of the Wards within the Trustee Area can hold the office of a Charter Trustee until the next election to the relevant council (in this case, the East Surrey Council in 2031) or until that person ceases to be a councillor, whichever is the sooner.
- 2.12 Each year CTs may elect, within their number, a Mayor and Deputy Mayor.

Options available:

- 2.13 **Option 1** – Do nothing. The Council can choose to take no action. This will mean, however, that the ceremonial role of Mayor for the area of Epsom and Ewell ends on Vesting Day.

Option 2 – Request the establishment of Charter Trustees. If this Council wishes to preserve its civic elements beyond vesting day, the option that would seem most likely to result in this outcome is to seek the establishment of a Charter Trustees through an application to MHCLG, supported by East Surrey Council. This would be actioned by way of a statutory instrument being passed by Parliament in the same manner as that adopted to make the Surrey (Structural Changes Order 2026). If made, those CTs would then be responsible for maintaining the role of the Mayor, the civic regalia and the freemen of the Borough.

3 Risk Assessment

Legal or other duties

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3.1 Equality Impact Assessment

3.1.1 The proposals within this report do not appear to have adverse implications for any protected characteristics.

3.2 Crime & Disorder

3.2.1 None

3.3 Safeguarding

3.3.1 None

3.4 Dependencies

3.4.1 As noted earlier, the establishment of CTs must be supported by East Surrey Council.

3.5 Other

3.5.1 None

4 Financial Implications

4.1 The Charter Trustee Regulations 2009 state that Charter Trustees may request East Surrey Council to provide any funds considered necessary for the discharge of their functions in the financial year in which they are established.

4.2 After the first year, CTs are treated as a local precepting authority for council tax purposes and may issue a precept on the billing authority to fund their activities. It would appear that the average precept set by CTs is a charge of circa £2.50 per year for a Band D property.

- City of Carlisle in Cumbria = annual band D charge of approximately £5 pa
- Harrogate, band D charge of £0.46 pa (now dissolved following the creation of Town Council)
- Scarborough, band D charge of £1.85 pa (now dissolved following the creation of Town Council)

4.3 Charter Trustees' functions are limited, and therefore so is their expenditure. Their precept may only fund the following:

- Mayor and Deputy Mayor expenses
- Civic and ceremonial events
- Regalia, insignia and chains of office

- Civic hospitality related to the mayoralty
 - Administration directly supporting these functions
- 4.4 **Section 24 considerations:** Whilst the resulting council tax precept is anticipated to be below the £100,000 threshold, it is considered prudent and consistent with the intent of the Section 24 criteria to seek formal approval.
- 4.5 **Section 151 Officer's comments:** As this decision gives rise to financial implications beyond vesting day, no further work should proceed until formal approval has been obtained from the successor unitary authority.

5 Legal Implications

- 5.1 Charter Trustees were originally enabled by Section 245 of the Local Government Act 1972. This enabled the creation of a charter if a petition to this effect was presented to the Crown. A charter could operate to preserve historic rights and dignities.
- 5.2 Section 7 under the Local Government and Public Involvement in Health Act 2007 allows the Secretary of State to provide explicitly for the creation of Charter Trustees as part of the structural change order. Whilst there was no provision for charter trustees in the order made in March, it is usual when undergoing local government reorganisation to deal with the issue of CTs by way of a further statutory instrument, known colloquially as 'mopping up legislation'. MHCLG have indicated that this is the process available to this Council at this time.
- 5.3 As to once CTs are established, the detailed operational rules are set out in The Charter Trustees Regulations 2009. These regulations govern membership, meetings, the election of Mayor and Deputy Mayor, the transfer of historic property and standing orders and procedural requirements.
- 5.4 The draft statutory instrument ('mopping up legislation') would be subject to the affirmative resolution procedure. This requires the draft Order to be laid before and approved by both the House of Commons and the House of Lords before it can be made and brought into force. The process provides direct parliamentary scrutiny and approval of the legislation and is the same procedure used for the Surrey Structural Changes Order and comparable local government reorganisation orders. This requires a set period of time, hence the need to confirm the Council's position within the timeline noted earlier in this report.
- 5.5 **Legal Officer's comments:** All relevant comments are contained within the body of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Effective Council
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** Not applicable
- 6.4 **Sustainability Policy & Community Safety Implications:** None
- 6.5 **Partnerships:** None
- 6.6 **Local Government Reorganisation Implications:** The recommendations within this report stem from the impact of the local government reorganisation and seek to ensure that the changes do not result in the loss of the civic traditions.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- [SI 2023 No. 187](#) - The Local Government (Structural Changes) (Supplementary Provision and Amendment) Order 2023