



CAI.02 12/13
Challenge and Improvement Committee
29 May 2012

B

Subject: HONORARY ROLES AND TITLES (ALDERMEN / FREEMEN / FREEDOM OF THE DISTRICT) – CRITERIA, PROCESS, ROLES AND LIMITATIONS

Report by:

Rachel North, Monitoring Officer

Contact Officer:

Nicola Turnbull
Chairman's Officer
01427 676501
nicola.turnbull@west-lindsey.gov.uk

Purpose / Summary:

To consider the discussions that took place at the Annual Meeting of Council and the officer advice given to formulate recommendations for amendment to the role, limitations, criteria and process for the titles of Honorary Alderman, Honorary Freeman, and Freedom of Entry.

RECOMMENDATION(S):

- 1) That Members discuss and agree amendments to the suggested role, limitations, criteria and process for conferring the title of Honorary Alderman and Honorary Freeman of West Lindsey District Council for submission to Council for agreement.**
- 2) The Members consider the honour of Freedom of Entry to the District and make recommendations for amendment for submission to Council for agreement.**

IMPLICATIONS

Legal: This decision is made under the legal framework of the 1972 Local Government Act, Section 249, and 2009 Local Democracy, Economic Development and Construction Act as detailed in this report. In addition the 1980 Local Government Planning and Land Act also applies.

Financial :There are no financial implications for the agreement of a role, limitations, process and criteria for the purpose of conferring the title of Honorary Alderman / Freeman / Freedom of Entry.

Staffing : None

Equality and Diversity including Human Rights : None

Risk Assessment :There is a risk that a nomination may be received for an honorary title and no process has been put in place. Without an agreed process, nominations may be dealt with inconsistently and the decisions made can be open to challenge.

Climate Related Risks and Opportunities : None

Title and Location of any Background Papers used in the preparation of this report:

Civic Ceremonial (Fifth Edition), by Paul Millward – copy kept at West Lindsey DC Offices

1972 Local Government Act – available on the internet

2009 Local Democracy, Economic Development and Construction Act – available on the internet

1980 Local Government Planning and Land Act – available on the internet

Committee and Council reports by various local authorities on this subject matter as reference material.

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1. BACKGROUND

- 1.1 The attached report on West Lindsey Honours was submitted to Annual Council on 14th May 2012 for consideration. Following debate the matter was referred to Challenge and Improvement Committee for further consideration to scrutinise the report and submit it back to a future meeting of Council.
- 1.2 This report set out the discussions around this matter that took place at the Annual Meeting of Council, the civic advice to go with the ideas that were put forward, and suggested solutions to those issues raised. The original Council report is attached to this report as Appendix A for reference.

2. DEBATE AND ADVICE

- 2.1 There was a healthy debate at Annual Council about the changes that could be made to the Role, Limitations, Process and Criteria for Honorary Aldermen and Honorary Freeman. Section 2 of this report sets out the comments made and the officer advice on each matter to help better inform Members for their deliberations.
- 2.2 The general consensus was that this report was welcomed, and that Members overall were very supportive of District Honours. It seems proven in debate that Members wish to get the criteria, process and role correct to set a standard for the future.
- 2.3 **There was a proposal that an Alderman should be made higher than a Freeman in order of precedence.** Officers advise that the level of the honour matters not in every circumstance apart from processions, where if an Honorary Freeman attended, they would come before Honorary Aldermen. The precedence order is not formal, and therefore it would be suggested that the mention of precedence be removed from 1.5, 2.1b, and 3.1b.
- 2.4 **Members wished for the criteria to focus more on achievement than anything else and that length of service should not be as much of a contributing factor.**
Achievement is very hard to gauge, and can be a perception rather than a measure. Members may want to think about how they would like to measure achievement within the criteria or to formulate the right words to strengthen the emphasis on achievement within the report. Since the meeting a suggestion has been put forward by a Member that achievement is linked in with the objectives within the Corporate Plan. The amount of years service is advisory for both roles and suggested in line with the amounts set by other Local Authorities in the same position as West Lindsey. It was suggested at the meeting that a length of 8 years service to the Council / District be incorporated in the criteria for both honours, rather than 12 and 14. There is no requirement to set a limit at all, it is just advisory, and Members have the opportunity to set as they wish, and the limitation could even be taken away all together and set a criteria that 'candidates should have rendered eminent services by way of exceptional contribution to the district (and it's Council – for Aldermen) in terms of length of service and achievement (whilst in office – for Aldermen)'.

- 2.5 **Members emphasised the wish not to award honours in large numbers, but felt that the limit on the amount of Honorary Freemen of the District that the Council could have at one time was unrealistic.**

The more Honorary Freeman a Council appoints, the lesser the exclusivity of the award. There are no legal limitations on freedoms, the amount of four was to ensure that it was an exclusive number and was in line with the limits that other authorities had set. As it is a lifelong position, Members felt that it could be that no further Freemen could be appointed for a lengthy period of time if this caveat was put in to the role. Therefore, it is suggested that, a maximum of four could be appointed during the first year, and it become an annual appointment of one Honorary Freeman only (if appropriate).

- 2.6 **It was suggested at Annual Council that serving Councillors should be honoured as Honorary Aldermen, and that even if the honour was bestowed after their term of office, they should be able to retain it on rejoining the Council.**

The legal position is that *an Honorary Alderman shall not, whilst serving as a Councillor of the Council, be entitled to be addressed as Alderman or to attend or take part in any civic ceremonies of the Council as Alderman.* If Members wish to honour serving Councillors, it could be referred to the Community Awards Panel to consider whether they feel it appropriate to incorporate in the proposal for Community Awards.

- 2.7 **Members suggested that all Members should be consulted on the candidates put forward for consideration.**

If Members so wish, an additional step can be added to the Alderman process to incorporate 3.4e, where the nomination can be circulated to all Members of Council to offer the opportunity to object.

- 2.8 **It was commented that the Leader of political parties should not be mentioned within the process.**

The report does suggest that this is not exclusive, but the mention of Leaders can easily be removed from 2.4a if members wish. Members may want to consider including a seconder for any nominations.

- 2.9 **It was suggested at the meeting that either title could be removed on imprisonable criminal conviction.**

Officers would whole heartily agree with this suggestion as this could be a risk around bringing the Council in to disrepute. This can be entered in to the limitations section.

- 2.10 **A suggestion was made to allow the Chief Executive to make nominations on the basis of not taking part in the decision making.**

Whilst there is no formal advice for Members on this matter it wouldn't be advisable, an elected representative of the public should be responsible for bestowing these honours and not paid officers of the Council.

3. FREEDOM OF ENTRY TO THE DISTRICT OF WEST LINDSEY

- 3.1 At the meeting of Annual Council it was raised that, if the Council are considering Honorary Freeman and Honorary Aldermen, at the same time consideration should

be given to Freedom of Entry. Section 3 of this report sets out some guidance on this matter to assist in the formulation of a report back to Council on West Lindsey Honours.

- 3.2 Associated with Honorary Freedoms is the 'Freedom of Entry' which has been granted by a number of Cities / Boroughs / Districts to service units (regiments, ships of the Royal Navy, RAF Stations, etc) which have rendered conspicuous service and which are closely associated with the City / Borough / District.
- 3.3 The so called 'Freedom' – "to march through the streets of the Borough with bayonets fixed, drums beating, and Colours flying" – is really an empty grant as, outside the city of London where the right has been zealously guarded for centuries, it does not seem that any Borough would be entitled to prevent units of Her Majesty's Forces from marching through. However the practice has now been generally accepted and provides a dignified and satisfactory means of enabling a Borough to honour a distinguished unit of Her Majesty's Forces.
- 3.5 There is no role set out for Freedom of Entry, as it would be awarded to an organisation, and they would receive the title as a privilege, but have no ceremonial role within the Council.
- 3.6 In regard to criteria for judging a nomination, it should be based on achievement and contribution to the district, and an award given on the basis of appreciation of the services rendered to the country.
- 3.7 Process
 - a) A nomination for a Freedom of Entry to the District will be considered by the Chief Executive in consultation with the Chairman of Council (or Vice-Chairman if there is a conflict of interest), Monitoring Officer and Chairman's Officer prior to submission to an Extraordinary Meeting of Council for a final decision. It will be determined prior to calling a meeting of Council whether the candidate group are deserving of such an award.
 - b) A nomination must be nominated in writing (including fax and electronic submissions) to the Chairman's Officer. This nomination can be made by any resident or elector of the district of West Lindsey, but must be in the strictest of confidence without the nominated group's knowledge;
 - c) The nomination must be sponsored by a currently serving West Lindsey District Councillor.
 - d) Submission of the nomination should be evidence based by outlining the service provided by the group to the district and country and any other examples to justify the honour.
 - e) Following consideration, nominations will be circulated to all Members of Council on a confidential basis. Councillors will be given the opportunity to state any objections to the nomination in a confidential manner and reasons for any objection to a nomination must be given.

- f) A proposition must be approved by two thirds of the present Members at a meeting of Council called specifically for that sole purpose.
- g) The resolution should recite the particular grounds upon which the Council have come to their decision, and details of the public services rendered by the recipient should be included.
- h) On the passing of the recommendation it should be announced that at the following meeting of Council a Freedom Scroll will be presented to a representative of the group. A small reception will held on a separate occasion for the group hosted by the Chairman in celebration.

4. DECISION

- 4.1 The report asks Challenge and Improvement Committee to consider the discussions that took place at Annual Council in conjunction with the officer advice and agree amendments to the role, limitations, criteria and process for the consideration of Honorary Aldermen and Honorary Freemen of West Lindsey District Council.
- 4.2 It also asks for Members to consider Freedom of Entry to the District as requested by Members at Annual Council, and make and agree suggestions for submission for resolution at a meeting of Council.



APPENDIX A
Council
14 th May 2012

Subject: HONORARY ROLES (ALDERMEN/FREEMEN)– CRITERIA, PROCESS, ROLES AND LIMITATIONS

Report by:

Rachel North, Monitoring Officer

Contact Officer:

Nicola Turnbull
Chairman's Officer
01427 676501
nicola.turnbull@west-lindsey.gov.uk

Purpose / Summary:

The purpose of this report is to present for agreement, a suggested role, limitations, criteria and process for agreement in accordance with Section 249 of the Local Government Act 1972, to be used in the consideration of a nomination for an Honorary Alderman and Honorary Freeman of the District.

RECOMMENDATION(S):

- 3) That Members agree the role, limitations, criteria and process for conferring the title of 'Honorary Freeman' and 'Honorary Alderman' to a nominated individual as set out in this report.**
- 4) The Members resolve to amend the constitution to add conferring the title of Honorary Freeman in to Council's Terms of Reference (part 4 page 2, and Article 4, (Part 2 Page 9).**

IMPLICATIONS

Legal: This decision is made under the legal framework of the 1972 Local Government Act, Section 249, and 2009 Local Democracy, Economic Development and Construction Act as detailed in this report. In addition the 1980 Local Government Planning and Land Act also applies.

Financial :There are no financial implications for the agreement of a set of criteria for the purpose of conferring the title of Honorary Alderman / Freeman.

Staffing : None

Equality and Diversity including Human Rights : None

Risk Assessment :

There is a risk that a nomination may be received for an honorary title and no process has been put in place. Without an agreed process, nominations may be dealt with inconsistently and the decisions made can be open to challenge.

Climate Related Risks and Opportunities : None

Title and Location of any Background Papers used in the preparation of this report:

Civic Ceremonial (Fifth Edition), by Paul Millward – copy kept at West Lindsey DC Offices

1972 Local Government Act – available on the internet

2009 Local Democracy, Economic Development and Construction Act – available on the internet

1980 Local Government Planning and Land Act – available on the internet

Committee and Council reports by various local authorities on this subject matter as reference material.

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1. BACKGROUND

- 1.1 In 2009, the Local Democracy, Economic Development and Construction Act was passed, amending the Local Government Act 1972 to allow District Councils to appoint Honorary Aldermen and Honorary Freemen. The below notes refer:
- 1.1.1 Section 249(1) of the Local Government Act 1972 as amended by the Local Democracy, Economic Development and Construction Act 2009 states "that a principal council may, by a resolution passed by not less than two thirds of the members voting thereon, at a meeting of the Council specially convened for the purpose with notice of the object, confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered Eminent Services to the Council as past members of that Council but who are not then members of the Council."
- 1.1.2 Section 249(5) of the Local Government Act 1972 as amended by the Local Democracy, Economic Development and Construction Act 2009 gives Councils the power to bestow the honour of Honorary Freeman and to grant "freedom of entry to the District" to persons of distinction and persons who have, in the opinion of the Authority, rendered eminent services to that place or area.
- 1.2 The Council currently has no appointed Honorary Aldermen or Honorary Freemen, but are able to undertake such an appointment as set out above.
- 1.3 There is no statutory guidance or definition of "eminent services" and therefore West Lindsey District Council will have to set their own criteria for the appointment of Honorary Aldermen and Honorary Freeman. A suggested criteria and process has been drawn up and are set out in this report for agreement.
- 1.4 Each Council may set the guidelines and limitations for the role of their Honorary Aldermen / Freemen. This report sets out a suggested role for agreement.
- 1.5 Members should note that an Honorary Freedom is the highest honour that the District Council may bestow, and in the view of many, should not be given too often.
- 1.6 Honorary Freemen are not mentioned in the Constitution of this Council, although Councils are given the right by law to appoint them. This report asks members to resolve to add this right to the Constitution.

2. HONORARY ALDERMEN

2.1 Role

- a) To enjoy the Courtesy Title of Honorary Alderman and be so addressed and to receive a badge of office, and also to have their name entered on to the Roll of Honour outside the Council Chamber.

- b) Invited to attend Civic Functions hosted by the Council (Services, Dinners, Charity Events etc) and be invited to take part in civic processions with precedence over currently serving members but not the Chairman or Vice Chairman.
- c) Invited to attend meetings of Annual Council for the Appointment of Chairman, Vice Chairman, and Chairman's Chaplain, and may attend Council meetings as a non-participating guest and will have a seat reserved for them in the Chamber.
- d) Welcome to receive Minutes, Agendas and Papers (non-exempt only) for meetings of Council.
- e) Welcome to receive the Council Year Book.
- f) If the Alderman has held the office of Chairman or Vice Chairman during their service to West Lindsey District Council, they may be called upon to represent the Council at a Civic Function in the absence of the Chairman or Vice-Chairman of the Council.
- g) To wear their Aldermanic Badge at any function or meeting that they are attending in their capacity as Alderman.
- h) May wish to assist the Chairman in Charity Fund Raising for the Chairman's chosen Charity / Charities.
- i) Be an ambassador for the Council and promote Civic Pride.
- j) On death, to be accorded the same honours as a former Chairman or serving member of Council, with the Civic Flag flying at half mast and representation from the Civic Office at the funeral (if requested).
- k) To be given access to the Members Room at West Lindsey District Council Offices.
- l) To receive, on request to the Returning Officer, an invitation to the election count.
- m) To enjoy such privileges as West Lindsey District Council may from time to time confer upon Honorary Aldermen.
- n) The honour bestowed on an Honorary Alderman is life long, unless the Council wish to make steps to relinquish the honour.

2.2 Limitations

- a) No payments will be made to an Alderman for any service or expenditure that they undertake whilst in office.
- b) May not take part in Council meetings.

- c) Aldermen may be reappointed by election of the public to serve on West Lindsey District Council, but their Aldermanic Office is suspended for the period of their appointment.

2.3 Criteria

- a) Must be a Former Councillor of West Lindsey District Council
- b) Must have completed 12 or more years of service to West Lindsey District Council (Service does not have to be continual)
- c) Must have concluded their service to the Council within the past 4 years
- d) Consideration may be given to Members who have completed less than 12 years service that have held the title of Chairman, Vice Chairman, Leader, Deputy Leader, Leader of the Opposition, or Deputy Leader of the Opposition.
- e) Must be considered suitable for fulfilling the role of an Alderman with a proven track record of effective leadership and/or achievement, and respected by their peers and communities.

2.4 Process

- a) A nominee must be nominated in writing (including fax and electronic submissions) to the Chairman's Officer by a current serving Member of Council, preferably (but not exclusively) by the Leader of the nominees party.
- b) A nomination will be measured against the agreed criteria and considered by the Chief Executive in consultation with the Chairman of the Council (or Vice-Chairman if there is a conflict of interest), Monitoring Officer and Chairman's Officer prior to submission to an extraordinary meeting of Council for a final decision. It will be determined prior to calling a meeting of Council whether a candidate fills a substantial amount of the criteria.
- c) A proposition must be approved by two thirds of the present Members at a meeting of Council called specifically for that sole purpose.
- d) On the passing of the recommendation it should be announced that at the following meeting of Council an aldermanic badge will be presented to the candidate with a small reception following the meeting hosted by the Chairman in celebration.

3. HONORARY FREEMEN

3.1 Role

- a) Any persons declared Honorary Freeman of the District may designate him/herself 'Honorary Freeman of the District of West Lindsey'.

- b) Invited to attend Civic Functions hosted by the Council (Services, Dinners, Charity Events etc) and be invited to take part in civic processions with precedence over currently serving members but not the Chairman or Vice Chairman.
- c) Invited to attend meetings of Annual Council for the Appointment of Chairman, Vice Chairman, and Chairman's Chaplain, and may attend Council meetings as a non-participating guest and will have a seat reserved for them in the Chamber.
- d) The honour bestowed on an Honorary Freeman is life long, unless the Council wish to make steps to relinquish the honour.

3.2 Limitations

- a) No payments will be made to an Honorary Freeman for any service or expenditure that they undertake.
- b) They may attend Annual Council, but not take part in the proceedings.
- c) At any one time, a maximum of four living persons only, unless otherwise decided by the Council, may hold the title of 'Honorary Freeman of the District of West Lindsey'.

3.3 Criteria

- a) The honour shall not be restricted to former Members or Staff of West Lindsey District Council;
- b) Preference will be given to a person who performs in a voluntary capacity, but this should not preclude the honour being awarded to a person whose dedication and contribution is significantly above that expected from their occupation;
- c) The contribution to the welfare of the community must involve one or more of the following factors:-
 - i. significant contribution of the persons time in serving members of the community for the improvement of their welfare.
 - ii. the promotion, achievement and/or delivery of community services in which a real personal role and contribution is made.
 - iii. whilst difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons.
- d) All nominees should have carried out their largely voluntary roles for a period of at least 14 years;
- e) Any nominated District / Town / Parish / County Councillor or West Lindsey staff member must have retired from post;

3.4 Process

- a) A nomination for a Freeman will be measured against criteria considered by the Chief Executive in consultation with the Chairman of Council (or Vice-Chairman if there is a conflict of interest), Monitoring Officer and Chairman's Officer prior to submission to an Extraordinary Meeting of Council for a final decision. It will be determined prior to calling a meeting of Council whether a candidate fills a substantial amount of the criteria.
- b) A nominee must be nominated in writing (including fax and electronic submissions) to the Chairman's Officer. This nomination can be made by any resident or elector of the district of West Lindsey, but must be in the strictest of confidence without the nominee's knowledge;
- c) The nomination must be sponsored by a currently serving West Lindsey District Councillor.
- d) Submission on the nomination should be evidence based by outlining the voluntary service provided by the individual to the community and any other examples of 'community spirit' to justify the honour.
- e) Following measurement against criteria, nominations will be circulated to all Members of Council on a confidential basis. Councillors will be given the opportunity to state any objections to the nomination in a confidential manner and reasons for any objection to a nomination must be given.
- f) A proposition must be approved by two thirds of the present Members at a meeting of Council called specifically for that sole purpose.
- g) The resolution should recite the particular grounds upon which the Council have come to their decision, and details of the public services rendered by the recipient should be included.
- i) On the passing of the recommendation it should be announced that at the following meeting of Council a signed oath will be taken by the Honorary Freeman and a Freedom Scroll will be presented to the candidate with a small reception following the meeting hosted by the Chairman in celebration.

6. **DECISION**

- 6.1 This report asks Members to consider the above set out roles, limitations, criteria and processes for the positions of Honorary Aldermen and Honorary Freemen and agree the suggestions put forward for resolution.
- 6.2 These criteria and definitions will then remain on file to be used if or when any formal nomination is made for either of these positions.
- 6.3 As a note, Extraordinary Meetings of Council for the purpose of these appointments can be called just prior or following a normal meeting of Council.

