



Chester-le-Street
District Council

Report to:	Council
Date of Meeting:	15 January 2009
Report from:	Head of Legal and Democratic Services
Title of Report:	Protocol for Appointment of 'Honorary Aldermen'
Agenda Item Number:	8

1. Purpose and Summary

1.1 The purpose of this report is to consider the need for and agree a protocol for the appointment by this Council of 'honorary aldermen' (informally referred to throughout this report as honorary aldermen and honorary alderwomen). It is not to make specific appointments at this Meeting as by law a Special Meeting of the Council is required to be convened should Members wish to do so.

1.2 Members are requested to consider this report and to agree a protocol.

2. Consultation

2.1 None

3. Transition Plan and People and Place Priority

3.1 The extended rights to appoint honorary aldermen and honorary alderwomen from among serving councillors of a council to be abolished has been specifically given by a statutory instrument dealing with transitional arrangements (described in that legislation as 'honorary aldermen'). It came into effect on 28 November 2008. The law has been enacted for a purpose and it provides for continuity in terms of local links to the locality albeit at a purely ceremonial level.

4. Implications

4.1 Financial Implications and Value for Money Statement

No allowances are payable to honorary aldermen and honorary alderwomen.

4.2 Local Government Reorganisation Issues

Any honorary aldermen or honorary alderwomen appointed by the Council will by operation of law become 'honorary aldermen' of Durham County Council on and from 1 April 2009.

4.3 Legal

The Council has power under Section 249 of the Local Government Act 1972 as amended by Regulation 32 of The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 to appoint 'honorary aldermen' (see para. 5.2 post) from past or serving members of the Council who in the opinion of the Council have rendered 'eminent services' to the Council.

4.4 Personnel

None

4.5 Other Services

None

4.6 Diversity

The suggested protocol ensures that the service contribution of individuals nominated is taken into account on merit in accordance with the sole legal criterion.

4.7 Risk

None

4.8 Crime and Disorder

None

4.9 Data Quality

Every care has been taken in the development of this report to ensure that the information and data used in its preparation are accurate, timely, consistent and comprehensive. The council's Data Quality Policy has been complied with in producing this report.

4.10 Other Implications

None

5. Background , Position Statement and Option Appraisal

5.1 Section 249 of the Local Government Act 1972 (with effect from May 1974) made it possible for past councillors to be appointed 'honorary aldermen'.

5.2 The legal term 'aldermen' or 'alderman' applies to men and women.

5.3 As stated earlier, I shall, however, informally refer to honorary aldermen and honorary alderwomen throughout this report as such terms are used in modern parlance by the Government, even if such descriptions are not reflected in the legislation itself.

5.4 Since 28 November 2008 the law has been amended to allow serving councillors as well to be appointed as 'honorary aldermen' to be known in practice as honorary aldermen or honorary alderwomen if they satisfy the sole legal criterion of having rendered 'eminent services to the council'.

5.5 There is therefore *no minimum number* and there is *no maximum number* of Aldermen and Alderwomen which is or can be laid down by the Council.

5.6 This Council has, to my knowledge and after researching the matter, never appointed any honorary alderman or honorary alderwoman and therefore no procedure for appointment exists beyond that which is contained in that Section as amended.

5.7 It is suggested that the Council should agree a protocol for appointment of honorary aldermen and honorary alderwomen in the event that any nominations are received and need to be processed.

6. Role of 'Honorary Aldermen'

6.1 Before proceeding to deal with the matter of a protocol for appointment of honorary aldermen, the role of an honorary alderman and an honorary alderwoman needs to be explained.

6.2 It is an honorary role only and involves no decision-making aspect. Legally 'honorary aldermen' are "just" members of the public (unless they are still serving District Councillors). They can have no part in the decision processes of the Council or its successor Council as 'honorary aldermen'. The last vestige of the time when "aldermen" did have such a role was swept away by the Local Government Act 1972. They cannot be appointed to any body because of their legal status as 'honorary aldermen'. (Appointment of such individuals to bodies can be made but in other capacities such as an expert in child care).

- 6.3 Honorary aldermen and honorary alderwomen merely have the right to attend civic ceremonies organized by the Council as and when they are held. It is for the Council (and then its successor Council from 1 April 2009) to decide what civic ceremonies are to be held from time to time.
- 6.4 Under Section 249 (4) of the Local Government Act 1972 an honorary alderman and an honorary alderwoman may attend and take part in such civic ceremonies, but does not have the right *in that capacity* to attend Council or committee meetings nor to receive any allowances. But if an honorary alderman or an honorary alderwoman is still a serving councillor or later becomes a councillor on Durham County Council, s/he is not entitled under Section 249(2) of the 1972 Act to be addressed as 'alderman' or 'alderwoman' nor is s/he entitled to attend or take part in any civic ceremonies of the Council **as an 'alderman' or an 'alderwoman'**.

7. The Basic Statutory Procedure

- 7.1 The statutory requirements are as follows:-
(1) The holding of a meeting of the Council 'specifically convened for the purpose with notice of the object';
(2) The forming of the opinion of the Council that a named past member of the Council or a named serving member of the Council has 'rendered eminent services to the council.'
(3) The passing of a resolution to confer the title of 'honorary alderman' 'by not less than two-thirds of the members voting thereon' at the meeting.
- 7.2 Under paragraph 10(2) of The Local Authorities (Model Code of Conduct) Order 2007 it is made clear that Members do not have a prejudicial interest when exercising the functions in respect of 'any ceremonial honour given to members'. This means that Members may vote even if they have been nominated to receive the ceremonial honour.
- 7.3 There is nothing in the particular legislation which deals with how individuals are put forward for consideration and 'eminent services to the council' are not defined.

8. Protocol for Appointment of 'Honorary Aldermen'

- 8.1 It is proposed that the Council establishes a protocol to ensure consistency of approach to the conferment of the legal title of "Honorary Alderman of the District Council of Chester-le-Street" to be known in practice as appropriate as 'Honorary Alderman or Honorary Alderwoman of the District Council of Chester-le-Street' as follows:-

(1) Nomination – Nominations shall be in writing (with assistance being made available for anyone who has difficulty with making a written application), setting out the reasons why it is believed that the nominee has ‘rendered eminent services to the council’. Such nomination shall be addressed to the Chief Executive.

(2) Consultation – On receipt of such a nomination, the Chief Executive will consult with the Leader of the Council and the leaders of the other political groups in the Council.

(3) Convening Special Meeting – If, in the opinion of the Chief Executive (after consultation with the leaders of the political groups) there is a sufficient degree of support as to the conferment of the legal title, then the Chief Executive will call a Special Meeting of the Council to consider conferment of the legal title. (For the avoidance of doubt, late nominations can be considered at the Special Council Meeting itself).

(4) What constitutes ‘eminent services to the council’ – As the term is not defined in the Act and there is no statutory guidance or assistance to councils at a national level in determining what it might mean, it is for the Council to decide locally what constitutes ‘eminent services to the council’. **This is the sole legal criterion for appointment.**

‘Eminent’ has a dictionary meaning which includes ‘highly regarded’ and ‘distinguished’.

‘Eminent services’ connotes making a positive difference or impact over and above the carrying out of mere normal council duties to a basic or acceptable standard i.e. being ‘distinguished’ for proper reasons and in the service to the council.

The legislation therefore deliberately fails to give a national definition and leaves it for a local decision by councillors and an exercise of discretion at the time a decision is called for, based ‘on the opinion of the Council’, with such power being properly exercised. It is thus determined by ‘quality’, not necessarily ‘quantity’. Innovation and excellence, for example, can be recognised.

In reality’ the bestowal of the honorary legal title of ‘alderman’ is by way of a distinguished service award.

It is not a long-service award.

It is not a party political honour.

It is not an award for having *simply* held or holding senior Council positions.

The questions to be answered are:

‘What services did the person provide as a councillor to the Council, during whatever time they served?’

Were those services, in the opinion of the Council, ‘eminent services’?’

[NB. Past and current District Councillors are eligible for consideration].

Each application will therefore be determined on its merits, purely assessed against that sole criterion of having rendered ‘eminent services to the council’.

[NB. It is made clear under this protocol examples of what are not criteria such as:-

(a) *Length of service* - Whilst a number of Councils do in fact use ‘length of service’ (such as, for example, 12 years or 15 years) by itself as a good enough measure of the ‘eminent service’, this is patently wrong. It is self-evidently the case that there will be members who serve out their time in public service in a perfectly satisfactory manner without being ‘eminent’. The criterion is not “buggin’s turn”. Not only is this not the criterion in the Act but also it does nothing to enhance public confidence in local government and democracy. More fundamentally, a ‘length of service’ criterion of itself is unlawful as it fetters the Council’s discretion when determining ‘eminent services to the council’.

(b) *Service to a political party or group* - The criterion is not support for a particular political party or group. It is ‘eminent service to the council’ which means that any past political differences should be ignored in making an assessment of a past or present councillor’s service contribution to the council.

(c) *Senior positions* - The *mere* fact that a councillor held or holds a senior position or positions is not evidence of the provision of eminent services to the Council. This would be to confuse ‘appointment’ to a position with ‘outcome’. It is not a senior appointment reward. Special responsibility allowances in the members allowance scheme are designed to support those in senior positions. An assessment of service contribution to the Council is thus different].

(5) Resolution – For a person to be appointed, the Council must form the opinion that the nominated person has ‘rendered eminent services to the council’ and pass the resolution to appoint the named person by at least two-thirds of members present and voting at the Special Meeting.

9. Recommendations

- 9.1 Members are requested to formally approve the protocol for appointment of honorary aldermen and honorary alderwomen (collectively described in legislation as ‘honorary aldermen’) as set out in this report, namely ‘That the protocol set out in this report for appointment of honorary aldermen (such term including both men and women) under Section 249 of the Local Government Act 1972 as amended be agreed’.

10. Background Papers/ Documents referred to

10.1 None.

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