

# Item 8

## REPORT TO COUNCIL

27<sup>TH</sup> FEBRUARY 2009

## REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

### APPOINTMENT OF ALDERMEN – REVIEW OF POLICY

#### 1. SUMMARY AND BACKGROUND

DCLG has announced changes to the provisions of Section 249 of the Local Government Act 1972 relating to the appointment of Honorary Aldermen and this Report informs Members of the changes that have now been made as a result of new regulations.

#### 2. RECOMMENDATIONS

The Council is invited to affirm existing practice or, alternatively, adopt an alternative proposal for the future appointment of Aldermen.

#### 3. ALDERMEN: NEW REGULATIONS

- 3.1 On previous re-organisations, Councils which were due to be abolished were permitted to appoint Honorary Aldermen from amongst their existing members rather than being restricted to appointing only former members. New regulations have been introduced that will follow this precedent once again. Newly created Aldermen of an outgoing authority will become Aldermen of the new authority. This is now in effect as a result of Regulation 32 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, which have taken effect on 28th November 2008. The Council therefore now has power to elect as Honorary Aldermen, not only past members of the Council, but also serving members.
- 3.2 The current legislation provides at Section 249(1) of the Local Government Act 1972, that a 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 that object), may confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered “eminent services” to the Council.
- 3.3 “Eminent services” is not defined in the Act, and conventions differ between Councils as to what criteria ought to apply in making these appointments.
- 3.4 Within County Durham, the County Council and each of the Districts, follow differing conventions, which are set out at Appendix 1.

3.5 The Council may wish to either (a) confirm its existing practice or (b) adopt a new practice, in the event that it may wish to appoint Aldermen prior to abolition.

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**Ward(s)**

### Key Decision Validation

### Background Papers

Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (effective from 28th November 2008)

### Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Appendix 1

<b>COUNCIL</b>	<b>CRITERIA THAT ARE APPLIED IN APPOINTING ALDERMEN</b>
Chester-le-Street District Council	Have not appointed Aldermen – no criteria
Derwentside District Council	<ol style="list-style-type: none"> <li>1 Served three full consecutive terms as a councillor (i.e. 12 years) or from May 1999; <u>AND</u></li> <li>2. Have held a senior position within the Council i.e. as Chairman; Leader (of the majority or main opposition); Deputy Leader (of the majority or main opposition); Chair of a committee/ scrutiny panel; portfolio holder <u>OR</u>;</li> <li>3. Have served five full terms consecutively (i.e. 20 years) or from May 1991;</li> <li>4. Are not currently elected to Durham County Council.</li> </ol>
Durham City Council	15 years or more cumulative service on the Council at termination of office
Durham County Council	12 Years Minimum service, although this was reduced to 11 years for May 2008 to reflect shorter term served by County Members. May be breaks in service.
District of Easington	Awarded to former members that have given eminent service to the District. No minimum length of service, but used sparingly.
Sedgefield Borough Council	'Bestowed on persons who have, in the opinion of the Council, rendered eminent services to the authority as past members of the Council or its former constituent Rural and Urban District authorities for 25 continuous years or more'.
Teesdale District Council	The award has been made sparingly for eminent services to the Council and has only been awarded seven times in our 35 years existence. The last five conferred between 1994 and 2003 had at least 25 years service, although this is not a set criteria.
Wear Valley Council	Awarded to former members that have given eminent service to the District. No minimum length of service, but used sparingly.

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