

Committee: Standards and General Purposes Committee

Date: 27 April 2023

Subject: Procedure for awarding Honorary Alderperson Status

Lead officer: Louise Round, Monitoring Officer

Lead member: Councillor Michael Brunt, Chair, Standards and General Purposes Committee

Contact officer: Amy Dumitrescu, Democracy Services Manager

Recommendations:

A. That members consider the options for the procedure for awarding Honorary Alderperson status set out in paragraph 3 below and either:

- 1) Agree which option should be adopted in future; or
- 2) Agree to establish a cross party working group to consider the options and to report back to this committee at its next meeting.

B) To consider as detailed in Paragraph 2.12 whether former Leaders should be automatically awarded Freedom of the Borough in addition to Honorary Alderperson status (if also entitled to this) and if so, whether this should apply retrospectively to those former Leaders who have not already been awarded that status.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. At a Committee training session on 13 October 2022, members of the Standards and General Purposes Committee requested that a report be brought to Committee for discussion on reviewing the procedure for awarding Honorary Alderman/woman status to retiring Councillors.

2 DETAILS

2.1. Section 249 of the Local Government Act 1972 allows Council to, by a resolution passed by no less than two-thirds of the members voting, confer the title of Honorary Alderman or Alderwoman status 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.

2.2. The Act requires that this vote be taken at a special Meeting of Council convened for that purpose.

2.3. Current working practice at Merton is that all Councillors who either retire or lose their seat at any election who have accumulated at least 15 years cumulative service for the Council are automatically awarded Honorary Alderman/woman status. Those awarded are provided with a certificate and will have their names sign-written onto the boards within the Council Chamber.

2.4. An honorary alderman or alderwoman may attend and take part in such civic ceremonies as the Council may from time to time decide, but shall not, as such have the right to attend meetings of the Council or a committee of the

Council (including joint committees) or to receive any such allowance or other payments.

- 2.5. This process is separate from the process for awarding Honorary Freeman or Freewoman status.
- 2.6. Merton have awarded Honorary Alderman/woman status to 22 councillors over the last decade as follows:
 - 5 September 2022 – 12 former councillors
 - 12 July 2018 – 5 former Councillors
 - 23 November 2016 – 1 former councillor
 - 4 June 2014 – 4 former councillors
- 2.7. There are 10 currently serving councillors who could be eligible for Honorary Alderman/woman status at the next election in 2026 if the current process continued.
- 2.8. Whilst there is no legal definition of “eminent services to the Council”, Merton have adopted the working practice of awarding those with at least 15 years cumulative service. A number of other Councils have also adopted this approach.
- 2.9. No formal nomination process is required to receive this status. Following an election the Democracy Services Manager collates the names of those eligible and a Special Council meeting is arranged post-election to vote on and award the status to those individuals.
- 2.10. The status cannot be awarded to serving councillors, however those awarded with the status can be re-elected at a future election to the Council, at which point they would cease to use the Alderman/woman title whilst serving as a Councillor.
- 2.11. Freedom of the Borough for Former Leaders
- 2.12. It is noted that a number of former Leaders of the Council, most recently former Leaders Mark Allison and David Williams MBE JP have been awarded Freedom of the Borough when they were no longer on the Council. It could be proposed as part of the process that former leaders are automatically nominated for Freedom of the Borough, without the need for their nomination to go through the normal process, options for which are set out below. This does not prevent them also receiving Honorary Alderman/woman status. The Committee is asked to consider whether this should be included within the protocol and whether specific criteria should be attached to this. As stated in the legal comments below, although it would be possible to automatically refer an ex leader to a council meeting for a vote, the council cannot set a policy which would fetter the discretion of any future council meeting when asked to vote on a nomination.

3 OPTIONS

- 3.1. Officers have suggested a number of potential options below for the appointment of honorary Alderman or women. The Committee can decide to proceed with one of the following options, or can discuss and agree an alternative.

Option 1:

To retain the current procedure with no changes.

Option 2:

To require all those Councillors eligible under the current process (that is those with at least 15 years service as at the date when they cease to be a councillor) to undergo a nomination/agreement process whereby a working group or the Standards and General Purposes Committee consider the list of those eligible and agree whether they should be awarded the status.

Information from any historical upheld complaints received against Councillors would be considered as part of this process.

Option 3:

To require all those Councillors eligible under the current process to undergo a nomination agreement process within their groups, including considering information received from the group whips and any information on complaints received against Councillors during their service. The group whips or group leaders would then put the nominations forward for consideration either by the Standards and general purposes Committee or direct to full Council.

Option 4:

That any Councillor (including those with less than 15 cumulative years' service) who is retiring/who loses their seat at an election can be nominated for Honorary Alderman/woman status, provided there is a case made for this and that this is agreed by either the Standards and General Purposes Committee or a working group thereof. It is suggested that the Committee agree what the criteria should be under this option.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1.

5 TIMETABLE

5.1. The new process once agreed by Standards and General Purposes Committee would be considered by Council in July 2023 and then implemented immediately.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. The only criteria for conferring either alderperson status or freedom of the borough are those set out in section 249 of the Local Government Act 1972 namely that the conferee is not a serving councillor and that they are either a person of distinction or someone who has "rendered eminent services" to the place or area. Therefore, it is a matter for the council to set the criteria by which someone is judged to fall into that description, provided those criteria are in themselves reasonable and fairly applied.

7.2. Although it would be possible to dispense with a formal sifting process for ex leaders of the council who are no longer serving councillors and to create a

presumption that they will have the freedom of the borough conferred upon them, it would not be lawful to set a policy that bound full council to agree such status. As stated above a resolution to grant such status must be agreed by two thirds of councillors present and voting at a specially convened meeting and they must be free to exercise their discretion at such a meeting.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- None

12 BACKGROUND PAPERS

12.1. None