

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Corporate Services

to
Council

on

10th December 2015

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Honorary Aldermen / Alderwomen & Changes to the Constitution

Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To consider appointing Honorary Aldermen / Honorary Alderwomen
- 1.2 To make minor changes to the Constitution.

2. Recommendations

- 2.1 To agree the principle that the Council will confer the title of Honorary Aldermen / Honorary Alderwomen on past Members who have rendered eminent services to the Council pursuant to the procedures and criteria set out in section 3.8 of this report and that paragraph 6.7.3(f) of the terms of reference of the General Purposes Committee in Part 3 Schedule 2 of the Constitution be amended by the addition of the words “and conferring the title of Honorary Alderman / Honorary Alderwoman”
- 2.2 To invite Group Leaders to make recommendations for conferring the title of Honorary Aldermen / Honorary Alderwomen on specific past Members who meet the agreed criteria to the next meeting of the General Purposes Committee, with a view to holding an extraordinary meeting of the Council to formally confer the titles immediately prior to the next ordinary meeting of the Council.
- 2.3 That the minor amendments to the Constitution set out in section 4 of this report and Appendix 1 be agreed.

3. Background – Honorary Aldermen / Honorary Alderwomen

3.1 S.249(5) of the Local Government Act 1972 gives the Council the power to confer the title of “Honorary Freeman” or “Honorary Freewoman” on persons of distinction and persons who have rendered eminent services to the Borough. The Council has bestowed the honour on a number of people and their names are engraved on the wall outside the Council chamber. The General Purposes Committee is responsible for making recommendations to the Council on the award.

3.2 S.249(1) of the Local Government Act 1972 gives the Council power to confer the title of “Honorary Alderman” or “Honorary Alderwoman” on past members of the Council who have rendered eminent service to the Council or a predecessor authority. A special Council meeting must be convened for the purpose and a two thirds majority is required.

The Council has not conferred such title on any past Members, but many Councils do so (including Basildon, Chelmsford and Colchester) and the Mayor has suggested that procedures be put in place to do so and this has been endorsed at a Group Leaders meeting.

3.3 In the 2008 White Paper “Communities in Control: real people, real power” Local Authorities were encouraged to appointment Honorary Aldermen / Honorary Alderwomen as a way of ensuring that the experience and knowledge of former councillors is not lost.

3.4 An Honorary Alderman / Honorary Alderwoman has no specific powers or rights and would not receive any allowance, but would be entitled to attend and take part in such Civic ceremonies as the Council may from time to time decide.

3.5 If the Council accepts the principle of conferring such title on past Members then appropriate criteria must be agreed to ensure that the individual has rendered “eminent services to the Council”, otherwise the title will have no meaning. The term “eminent” is not defined in the 1972 Act, but common synonyms include distinguished, notable and exceptional.

3.6 To enable nominations to be considered, the terms of reference of the General Purposes Committee in Part 3 Schedule 2 of the Constitution would need to be amended by the addition of the words “and conferring the title of Honorary Alderman / Honorary Alderwoman”.

3.7 Other Councils that have appointed Honorary Aldermen / Honorary Alderwomen have generally done so on a strictly limited basis. It is not a long-service award and the title should only be conferred in recognition of exceptional service of past Councillors who have reached the end of their political careers. Generally past members of the Council are not nominated if it is likely that they will wish to stand again for the Council, or to remain very active participants in party-politics, or if their future activities could bring them into conflict with the Council. However there is no legal prohibition on Honorary Aldermen / Honorary Alderwomen being re-elected and S. 249(2) the 1972 Act provides that in such circumstances the Councillor cannot be addressed as an Honorary Alderman / Honorary Alderwoman or attend any Council ceremonies in such capacity.

3.8 Proposed Procedures and Criteria for appointing Honorary Aldermen and Honorary Alderwoman

- (a) The conferment of the title of Honorary Alderman / Honorary Alderwoman will be considered in respect of past Members who have rendered eminent services to the Council. While it is not a long service award, at least 15 years' service as a Councillor will normally be required (which need not be consecutive).
- (b) Any past Member who meets the qualification criteria will be eligible for nomination by a Group Leader, who must provide a clear description of their "eminent services".
- (c) Nominations will be considered by the General Purposes Committee which will need to be satisfied that the past Member nominated has rendered eminent services to the Council and not simply that he or she has been on the Council for a long period of time. The Committee will also take into account the fact that the title is normally conferred on a past Member who has reached the end of their political career. Generally the title will not be conferred if it is likely that the past Member will wish to stand again for the Council, or to remain very active participants in party-politics, or if their future activities could bring them into conflict with the Council
- (d) The General Purposes Committee will make its recommendations to the Council.
- (e) A special meeting of the Council would be convened to consider the recommendations of the General Purposes Committee. This special meeting would be held immediately before the next scheduled Full Council meeting so as to keep costs to a minimum. S. 249(1) of the Local Government Act 1972, requires the resolution to confer the title of Honorary Alderman / Honorary Alderwoman to be passed by not less than two thirds of the Members voting thereon at the meeting.

- (f) If the Council confers the title on any past Member, a small ceremony for presentation of the title would be arranged at a later date where the new Honorary Alderman / Honorary Alderwoman will be presented with a ceremonial scroll (produced in-house), and badge or shield of office, but no other significant cost would be incurred.
- (g) Honorary Alderman / Honorary Alderwoman are entitled to attend ceremonial functions to which they are invited. However they have no specific powers or rights and do not receive any allowances or other payments.

3.9 In order for the Council to consider conferring the title of Honorary Alderman / Honorary Alderwoman on recent past Members, it is recommended that Group Leaders consider suitable candidates as per the recommendation in 2.2.

4. Minor amendments to the Constitution

- 4.1 Several minor changes are required to the Constitution as described in the following sub-sections and set out in **Appendix 1**.
- 4.2 Some flexibility is required to make In-year changes to fees and charges to reflect changes in circumstances and changes to statutory fees. This involves adding a new sub-paragraph (k) to the General Delegations to Chief Officers in paragraph 3.2 of Part 3 Schedule 3 and making a consequential amendment to paragraph 4.02 of Article 4 in Part 2 of the Constitution.
- 4.3 Delegations re Estate Management require amendment to cover transactions relating to Council trust assets, some tidying up and adjustment of the financial limits following recent changes to the Financial Procedure Rules.
- 4.4 Limitations on Members speaking at a Committee or Sub-Committee of which they are neither a member nor a duly appointed substitute.

Amendments are suggested to restrict the contribution of a guest Member to a maximum of 5 minutes on any item and that they should sit apart from Committee members so that it is clear to everyone present as to who is making the decision.

5. Other Options

Do nothing. The Council does not have to appoint Honorary Aldermen / Honorary Alderwomen or amend the Constitution

6. Reasons for Recommendations

- (a) Conferring the title of Honorary Aldermen / Honorary Alderwomen is an established way of recognising past Members who have rendered eminent services to the Council and has been adopted by many other Local Authorities.
- (b) Amending the Constitution is a function reserved to the Council and the changes are required for the efficient administration of the Council.

7. Corporate Implications

7.1 Contribution to Council's Vision & Corporate Priorities

Becoming an excellent and high performing organisation

7.2 Financial Implications

- (a) The Council has power under Section 249(4A) of the Local Government Act 1972 to spend a reasonable sum as thought fit for the purpose of presenting an address, or a casket containing an address to an Honorary Alderman / Honorary Alderwoman.

It is not proposed to provide a casket, but to provide a scroll (printed in house) and a small badge (or Shield for a former Mayor). This award together with staff resources required to administrate such a process would be met from within existing resources and budgets.

The Civic functions Honorary Alderman / Honorary Alderwoman. would be invited to attend would have negligible cost and be met from within the existing Mayoral budget; former Mayor's would already be included in such invitations.

Any investiture ceremony (including certificate presentation) would be scheduled to coincide with an ordinary Full Council meeting and have no significant cost.

- (b) The minor amendments to the Constitution would have no significant financial implications.

7.3 Legal Implications

Section 249 of the Local Government Act 1972 enables the Council to "confer the title of Honorary Aldermen or Honorary Alderwoman on persons who have, in the opinion of the Council, rendered eminent service' to the Council as past members of that Council but who are not then members of the Council."

7.4 People Implications

None

7.5 Property Implications

None

7.6 Consultation

With Group Leaders

7.7 Equalities and Diversity Implications

None

7.8 Risk Assessment

No significant issues.

7.9 Value for Money

These proposals re Honorary Alderman / Honorary Alderwoman incur minimal expenditure to be contained within existing budgets while providing the opportunity to recognise eminent services by former Members to the Council.

7.10 Community Safety Implications

None

7.11 Environmental Impact

None

8. Background Papers

None

9. Appendices

Appendix 1 – Minor changes proposed to the Constitution

Recommendation in 4.2

(a) Changes to Part 3 Schedule 3 to the Constitution

3. General Delegations to Chief Officers & Other Officers

3.1 Subject to 1.3 Chief Officers are authorised to take decisions and to act:

- (a) To discharge the functions allocated to them or dealt with by them or their staff.
- (b) In all matters in which they have managerial or professional authority unless there is a legal or professional impediment.
- (c) Without qualification, in accordance with Standing Order 46 of the Council Procedure Rules.

3.2 Subject to 1.3 Chief Officers may exercise discretion and use whatever means they consider appropriate to discharge those functions and implement those decisions, and to exercise their General, Specific and Special Delegated Powers, including:

- (k) Making in-year adjustments to fees and charges where statutory figures change or where specific circumstances make this expedient subject to consultation with the relevant Executive Councillor(s) and the Head of Finance & Resources.

(b) Changes to Part 2 to the Constitution

4.02 Functions of the Council and Terms of Reference

(2) The Budget

To approve and adopt the Council's Budget

[The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting fees and charges (save that in-year changes can be made by Chief Officers in accordance with paragraph 3.2(k) in Part 3 Schedule 3) the Council Tax Base, setting the Council tax and decisions relating to the control of the Council's borrowing requirement, investments, the control of capital expenditure and the setting of virement limits]

Recommendation in 4.3

(a) Changes to Part 3 Schedule 3 to the Constitution

4.5 The Corporate Director for Corporate Services and / or the Head of Finance & Resources

- To carry out the following Estate Management functions in relation to Council land or property assets including those assets held by the Council as trustee
 - To deal with all Estate Management functions including but not limited to settling the terms of any lease renewals, rent reviews, surrender and renewals, lease extensions, supplemental leases, lease re-gearing opportunities, landlord's consents, access agreements, dilapidations, charges, variations and the service of notices, commissioning surveys, forfeiture and enforcement action.
 - To settle the terms of any new leases, or supplemental leases with an annual rent up to and including £75,000 p.a.
 - To deal with disposals, including easements or other interests in land for best consideration with a capital value or consideration up to and including £250,000.
 - To deal with acquisitions on value for money terms with a capital value or consideration up to and including £250,000.
 - ~~To settle the terms of any lease renewals and rent reviews.~~
 - ~~To deal with any consents and variations to occupational agreements for land or property.~~
 - ~~To deal with all other estate management transactions (including but not limited to acquisitions and disposals for best consideration) with a premium value or consideration not exceeding £100,000 and / or a revenue implication of less than £25,000 per annum.~~
 - To deal with any disposals at under-value where the element of undervalue has a premium value or consideration of less than £100,000.
 - To deal with any lettings at under value where the term does not exceed 7 years or the element of under value on the rent is less than £25,000 p.a.

- To consider objections and in the case of there being less than 5, non-substantive objections, to authorise the disposal of open space in accordance with the process set out in the Corporate Asset Management Strategy.
- ~~To deal with all other estate management functions including but not limited to the serving of notices, commissioning surveys and enforcement action.~~

[Note: reference to leases includes licences, tenancies at will and any other occupational agreements.]

- See also Section 5.3 and 5.10 for Special Schemes of Delegation for Estate Management Services and Assets of Community Value respectively.

(b) Changes to Special Scheme of Delegation, Section 5 of Part 3 Schedule 3 to the Constitution

5.3 Estate Management Service

The Group Manager (Asset Management) may exercise all the powers of the Corporate Director for Corporate Services and the Head of Finance & Resources in respect of Estate Management Services as defined in 4.5 above subject to the limits set out in the Financial Procedure Rules.

Recommendation in 4.4

(a) Changes to Part 4(a) of the Constitution

37. Attendance at Cabinet, Committee & Working Party Meetings by Members of the Council

Committees and Sub-Committees

37.2 Subject to the interest rules in the Code of Conduct and the provisos set out in (a) and (b) below, a Member of the Council may attend a meeting of any Committee or Sub-Committee, but will only be entitled to speak on an item if he / she:

- (a) is a member of the Committee or Sub-Committee (or duly appointed substitute); or
- (b) has been permitted by the Committee or Sub-Committee to speak; or
- (c) has placed the item on the agenda under Standing Order 35.1(d) (but calling in an item is not sufficient); or
- (d) is the proposer or seconder of a Notice of Motion which has been referred to a Scrutiny Committee under Standing Order 8.4.

And for the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.

Provisos

- (a) A Member may not attend a meeting of the Assessment or Review Standards Sub-Committee, or a Committee / Sub-Committee meeting in private, to deal with employment issues and appeals, education appeals and housing allocation policy appeals unless he / she is a member of that Committee / Sub-Committee, a duly appointed substitute for that meeting or has a legal right to attend.
- (b) A Member who attends a Committee or Sub-Committee, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Committee members and shall only be entitled to speak for a maximum of 5 minutes on any item.

(b) Further Changes to Part 4(a) of the Constitution

Consequential adjustment to Standing Order 43 (10) to add the words “& Standing Order 10.4(b)” at the end.