



## Council

### **Report title: Adoption of Protocol for the Awards of Honorary Alderman and Alderwoman titles**

**Date:** September 29 2021.

**Class:** Part 1.

**Ward(s) affected:** All

**Contributors:** Director of Law, Governance & Elections

### **Outline and recommendations**

This report describes the rights and process for a principal Council to award honorary titles to former members. The Council is asked to adopt the Protocol shown at Appendix 1 relating to Awards. The Council is further asked to adopt a Constitutional revision making explicit that awards of the titles of Honorary Alderman and Honorary Alderwoman are a decision reserved to the Council, as shown at Appendix 2.

The Council is recommended to

- (1) Adopt the Protocol shown at Appendix 1 of this report.
- (2) Amend the Constitution to include the proposed revision at Appendix 2 of this report.

## **Timeline of engagement and decision-making**

There have been many Council decisions amending the Constitution since its introduction in 2002. The suggested amendment was to be recommended by the Constitution Working Party at a meeting scheduled on September 16. The rights to confer Honorary titles of Alderman and Alderwomen are statutory. Hitherto the Council has not exercised these rights but the agreement of the attached protocol would establish the basis on which valid awards could be made.

### **1. Summary**

1.1. This report suggests the adoption of a Protocol on which the award of Honorary Alderman and Honorary Alderwoman titles could be made and further proposes an amendment to the Council's Constitution to make explicit that decisions on proposals are reserved to the Council.

### **1.2. Recommendations**

1.3. The Council is recommended to agree that:

(1) The Protocol shown at Appendix 1 be adopted;

(2) The Constitution be amended to include the revision shown at Appendix 2; and

(3) Existing statutory powers to confer the titles of Alderman and Alderwoman be noted.

1.4.

### **2. Policy Context**

2.1. The Council's Corporate Strategy makes an explicit commitment to strong corporate governance. The ability to retain the involvement of experienced former members could lend assurance to the decision making process.

### **3. Background**

3.1. Under the provisions of Section 249 (1) of the Local Government Act 1972 a principal council may, by 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 or alderwoman 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 councillors of the council.

3.2. An honorary alderman may attend and take part in such civic ceremonies as the council may from time to time decide but has no right to attend meetings of the

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council or a committee or receive any of the allowances or other payments to which councillors are entitled.

- 3.3. Only the Council of a London borough or a district which has the status of a city, borough or royal borough may spend such reasonable sum as it thinks fit for the purpose of presenting an address or casket containing an address to a person upon whom it has conferred the title. Should the award of an honorary alderman title be agreed by the Council, it is suggested that officers be requested to organise an appropriate presentational ceremony in consultation with the Speaker of the Council.
- 3.4. Lewisham has hitherto not utilised this power contained in the Local Government Act 1972 to create Honorary Aldermen or Alderwomen, but the 2008 White Paper, 'Communities in Control; Real People, Real Power' suggested that 'where councillors lose their seats or retire often their experience and knowledge is lost to local government. We want more councils to recognise the contribution of former councillors and encourage their continuing involvement through existing powers to create Aldermen.'
- 3.5. The Proper Officer will convene an extraordinary meeting of the Council to consider Aldermanic nominations if called upon to do so by either the Speaker, the Mayor or any five members of the Council by means of a signed requisition.
- 3.6. Minor revisions to the Constitution are suggested as set out in the appendix to this report to make explicit that awards of Aldermanic titles are a decision reserved to the Council.

#### **4. The need for amended rules of procedure**

- 4.1. It is a legal requirement under Section 9P Local Government Act 2000 that the Council have and keep up to date a Constitution which contains standing orders/rules of procedure. Amendments to the Constitution are for full Council to decide.

#### **5. Financial implications**

- 5.1. There are no new financial implications arising from the proposed amendment to the Constitution. Should the same entitlement to free parking be introduced as exists for Honorary Freeman and Honorary Freewomen there is the potential for a marginal loss of income dependent on the number of creations.

#### **6. Legal implications**

- 6.1. The legal implications pertaining to governance issues are set out in the body of the report. The Local Government Act 1972 enabled principal councils to confer the title of Alderman to men or women. The Local Democracy Economic Development and Construction Act 2009 made provision for the award of the title of Alderwoman.
- 6.2. Members are reminded of the Council's duties under the Equality Act 2010
- 6.3. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality gender reassignment, marriage and civil partnership, pregnancy and maternity, race, duty or the duty). It covers the following protected characteristics: age, disability, religion or belief, sex and sexual orientation

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- 6.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 6.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.
- 6.6. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances
- 6.7. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 6.8. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 6.9. The essential guide provides an overview of the equality duty requirements

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including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **7. Equalities implications**

7.1. There is statutory provision for the award of the titles Alderman and Alderwoman.

## **8. Climate change and environmental implications**

8.1. There are none associated with the proposed change to the Constitution.

## **9. Health and wellbeing implications**

9.1. There are no specific implications

## **10. Background papers**

10.1. None

## **11. Glossary**

<b>Term</b>	<b>Definition</b>
Alderman & Alderwoman	Historically this was a co-opted member of an English county or borough council, next in status to the Mayor. Currently these are honorary awards that can be given to former Mayors and Councillors by Council resolution.

## **12. Report author and contact**

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Article 4(r) be extended with the text in bold to read:

(r) conferring the freedom of the borough **and creating Aldermen and Alderwomen**

DRAFT

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