

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed:			
<b>Any especially affected Wards</b>	Discretionary / Operational	Be entirely within Cabinet's powers to decide		NO	
		Need to be recommendations to Council		YES	
		Is it a Key Decision		NO	
Lead Member: Cllr S Dark E-mail: <i>cllr.stuart.dark@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: S Winter E-mail: <i>sam.winter@west-norfolk.gov.uk</i>		Other Officers consulted: CEx, Monitoring Officer; James Arrandale			
Financial Implications NO	Policy/ Personnel Implications YES	Statutory Implications YES	Equality Impact Assessment: PRE-SCREEN	Risk Management Implications NO	Environmental Considerations NO

Date of meeting: 7 March 2023

### FREEDOM OF THE BOROUGH AWARD - UPDATE

#### Summary

The original criteria for the award of the Freedom of Borough were approved by Full Council in September 2002. The list is attached as appendix 1.

On 28 November 2019, notice of motion 8/19 was submitted to Full Council 2019 by Councillor Rust, (attached as appendix 2) and referred to the Corporate Performance Panel for consideration. An informal working group was set up to look at the motion and review the existing criteria. The informal working group reported to the Corporate Performance Panel in July 2021. (Due to the issues presenting themselves during the Pandemic this recommendation was not brought forward until now.)

A new version of the criteria is attached as appendix 3. Proposed changes to the Constitution are attached as appendix 4.

#### Recommendation

- 1) **To recommend the updated criteria proposed by the Corporate Performance Panel, subject to the additional changes shown in appendix 3, to Full Council for adoption.**
- 2) **To recommend to Full Council the changes to the Constitution shown in appendix 4.**

#### Reason for Recommendation

The award of Freedom of the Borough is a non-executive function of the Council (Functions Regulations 2000, Schedule 1 paragraph E3). Constitutional Changes are needed in order to effect the amendments to the criteria and process for the award/revocation.

Full Council asked the CPP to review the award criteria; the Council's legal team have

reviewed those criteria and provided comments and proposed constitutional changes.

Cabinet are invited to review the updated criteria and the constitutional changes and recommend to Full Council that they be approved.

## **1 Background**

The Corporate Performance Panel had been tasked with looking at notice of motion 8/19 and the criteria for the bestowing of the Freedom of the Borough. It set up an informal working group to do so.

The Informal Working Group, in looking at the existing criteria for the award of Freedom of the Borough, agreed that the existing guidelines were generally sound with the exception of the criteria regarding ex-councillors not being able to be bestowed the award until 10 years post-service; this was considered unfair to retiring councillors who would be less able to be nominated than any other citizen of the Borough. It was therefore agreed that this element be deleted.

The Group also felt that some of the additional elements suggested in Councillor Rust's Notice of Motion be included.

The Panel considered the recommendations of the informal working group and acknowledged that the award of the Freedom of the Borough should be an exceptional event. It also drew attention to the number of different awards for service and work that were available across the organisation and or the Borough.

Although the Standards Board did not currently have consideration of nominations in its terms of reference, it was felt that this would be an appropriate proportional body to consider nomination in the first instance.

The Informal Working Group also suggested that the detail of the award should be included on the Council's website along with other awards which could be nominated to.

Accordingly, the Corporate Performance Panel at its meeting in July 2021 recommended that the following criteria should be used:

1. Bestowing the award of Freedom of the Borough should be an exceptional event.
2. Organisations as well as individuals should be eligible.
3. Recipients should be persons who, or organisations which, have given outstanding service to the Borough, they may include: artistic and cultural endeavours; business, growth and prosperity; charitable work; improvement to built and natural environment; religious and spiritual life; sports activities; civic service; community cohesion; racial diversity; or any other service considered to be an asset to the Borough.
4. Persons nominating may do so at any time and should do so in writing giving reasons and providing 5 referees to testify to the nominee's worthiness, two of whom at least should be currently resident citizens of the Borough.
5. Nominations received should be business 'exempt' from publicity and considered first by the Standards Committee. Comments from individual

Council members should be invited and reported to it and the Standards Committee would make recommendations to Cabinet and Council.

6. Anyone granted the Honorary Freedom of the Borough should take formal precedence after the Mayor and Deputy Mayor on civic occasions; and
7. Anyone granted the Honorary Freedom of the Borough should receive a badge (similar to an Honorary Alderman's) and an illuminated scroll.

A further comment which was made at the Panel meeting but not formally added to the final wording, was that once this honour had been given to someone, there should be a mechanism that the honour could be also removed, in the event of that person bringing the Council into disrepute or being found guilty of committing a public offence.

Officers consider that such a mechanism would be legitimate, notwithstanding that it is not specifically referenced in the enabling provision of the Local Government Act 1972.

Full Council will need to consider if it wishes to adopt the proposed criteria, including whether to include provision for the revocation of the award.

The draft criteria are attached as a standalone copy in **appendix 3**. The comments from legal are shown in track changes. The proposed constitutional updates are shown in track changes in **appendix 4**.

## **2 Options for consideration**

Cabinet can:

- consider and recommend to Full Council the proposals as set out in appendix 3 (which will be put to Full Council in full, in light of its initial referral)
- propose separate amendments, or
- recommend that no changes to current practice be made.

## **3 Policy Implications**

The recommendations update the existing policy.

## **4 Financial Implications**

Individual/Group awards would incur costs in the ceremonial event scroll and badge.

## **5 Personnel Implications**

None

## **6 Environmental Considerations**

None

**7 Statutory Considerations**

Section 249(5) of the Local Government Act 1972 states that a council may admit "*persons of distinction and persons who have in the opinion of the Council, rendered eminent services to the borough*" as Honorary Freeman.

The resolution must be passed by not less than two-thirds of the members at a meeting of the Full Council specially convened for the purpose with notice of the object.

**8 Equality Impact Assessment (EqIA)**

Pre-screening report attached. The equality of applications/awards would have to be considered each time.

**9 Risk Management Implications**

The power to revoke the award would mitigate reputational risk to the Council.

**10 Declarations of Interest / Dispensations Granted**

None

**11 Background Papers**

CPP and Informal Working Group minutes published

## Appendix 1

Sept 2002 – Criteria

### CAB110: HONORARY FREEDOM OF THE BOROUGH

The report invited Cabinet to consider the draft guidelines from the Standards Board in order to make recommendations to Council on suggested criteria for the award of Freedom of the Borough Status. In discussing the criteria, it was suggested that another should be added preventing any Councillor from being nominated with 10 years of ceasing being a councillor.

**RECOMMENDED:** That Council be recommended to agree to formalise the advice of the Standards Board, reached at its May and June meetings, in these terms.

1. The public announcement of reviving the tradition should be through a press conference;
2. Any award approved during this municipal year should be made formally at the Annual Meeting of Council on May 15<sup>th</sup> 2003 and arrangements on subsequent occasions thereafter judged on each occasion;
3. Making the award should be an exceptional event;
4. Organisations as well as individuals should be eligible;
5. Recipients should be persons who, or organisations which, have given outstanding service to the Borough
6. Persons nominating may do so at any time and should do so in writing giving reasons and providing 5 referees to testify to the nominee's worthiness, two of whom at least should be currently resident citizens of the Borough;
7. Nominations received should be business 'exempt' from publicity and considered first by the Standards Board and comments from individual Council members should be invited and reported to it;
8. If this process is agreed by Council, the functions remitted to that Board be updated accordingly at the next opportunity; *(NB The makeup of the Standards Committee was changed in June 2012, and now no longer has this element in its terms of reference so goes to Cabinet).*
9. Anyone granted the Honorary Freedom of the Borough should take formal precedence after the Mayor and Deputy Mayor on civic occasions; and
10. Anyone granted the Honorary Freedom of the Borough should receive a badge (similar to an Honorary Alderman's) and an illuminated scroll.
11. Any former council member will remain ineligible for nomination for 10 years after they cease to be a councillor."

## **Appendix 2 – Content of Notice of Motion**

### **Notice of Motion (8/19)**

Councillor J Rust proposed the Motion, seconded by Councillor Howman.

“Our council resurrected the Freedom of the Borough award in 2003 after a long period of absence. The criteria for the nomination of the award only state that the nominee must have given outstanding service to the borough. The leader of the council has previously stated that “they” have set the bar high. Based on those who have been awarded the freedom compared to those who have been nominated and not granted it, that bar could be deemed to have been set at a measure invisible to most and arbitrary at best. This motion sets to change that and instead, provide clearer guidelines on what could be considered to fulfil the criteria.

This council is asked to adopt the following criteria when awarding this honour.

The conferment of the Honorary Freedom of the Borough is a mark of distinction upon the person or persons whom the council wishes to honour. The freedom itself carries no privilege and is purely an honour, reflecting the eminence of the person on whom it is conferred or as recognition of significant and/or valuable services rendered to the borough by that person. It is normally an honour bestowed on those of note who have lived or worked in the borough and who are proud to be a part of the history of that borough through that freedom. It should not be awarded to serving councillors.

What criteria should be used to award this status?

The principle is that these awards should be made on merit, defined as:

- Achievement
- Exceptional Service

Awards should not be given merely for a job well done or because someone has reached a particular level. They should be awarded because an individual has gone over and above what is expected or what has previously been seen as the standard, being seen to have demonstrated “Service Above Self” and to stand above others in what has been achieved before.

To be considered for the award a nominee should meet at least two of the following criteria:

1. Delivered in a way that has brought distinction to borough life and enhanced the reputation of the borough in the area or activity concerned
2. Contributed in a way to improve the lives of those less able to help themselves
3. Demonstrated innovation and entrepreneurship which is delivering discernible benefits to the area or activity concerned.

For candidates to be considered they must be able to demonstrate a strong and continuing connection with, and commitment to, the borough or to have made a major contribution to national life and, in doing so, have enhanced the reputation of the borough.

People from all walks of life and all sections of society who have made a difference to the community and the borough are eligible to be nominated, provided that, at the time of nomination, they are living in the borough.

It could include the following:

- Artistic and cultural endeavours
- Business, economic growth and prosperity
- Charitable work
- Improvement to built and natural environment
- Religious and spiritual life
- Sports activities
- Civic service

Nominations for persons or organisations to be granted the Freedom of the Borough may be made by any resident of the borough who are on the electoral roll. Each nomination must be supported by at least 5 referees to testify to the nominee's worthiness, two of whom at least should be currently resident citizens of the Borough.

A form shall be drafted which enables the nominating person to set out clearly the necessary details for the award and should include the following

**Nominee's details** – information about the person being nominated. Surname, forename, nickname, Title Address, Telephone Number, Email address

**The recommendation** – the details of how the nominee has made a significant contribution in their area of activity – giving as much detail as possible

What role they have excelled in?

How have they demonstrated service worthy of recognition?

How has the nominee contribution impacted on their particular field, locality, group or the community at large?

Over what time period did the nominee make their contribution or major commitment?

What makes this person stand out from others doing similar work?

**Background Info:**

Full details of post(s) held by nominee, paid or voluntary, which support or are relevant to your nomination. Start and end dates, or if they're still involved.

**Letters of support** – one letter of support may be submitted. Confidentiality must be maintained and details of the nomination must not be discussed with any other persons or with the nominee.

**Details of the person making the nomination:**

Surname, Forename, Address, Telephone Number, Email address, Relationship to nominee, Signature, Date, Confidentiality statement"

### **Appendix 3 – Proposed Updated Criteria following Corporate Performance Panel Review**

1. Bestowing the award of Freedom of the Borough should be an exceptional event.
2. Organisations as well as individuals should be eligible.
3. Recipients should be persons who, or organisations which, have given outstanding service to the Borough. Those services may relate to: artistic and cultural endeavours; business, growth and prosperity; charitable work; improvement to the built and natural environment; religious and spiritual life; sports activities; civic service; community cohesion; racial diversity; or any other service considered to be an asset to the Borough.
4. Persons nominating may do so at any time and should do so in writing giving reasons and providing 5 referees, two of whom at least should be currently resident citizens of the Borough, to testify to the nominee's worthiness.
5. Comments from individual Council members should be invited and reported to Standards Committee, and the Standards Committee would make recommendations to Cabinet and Full Council. Schedule 12A paragraph 1 of the Local Government Act 1972 will be relevant to any consideration of the nominations at Standards Committee.
6. Anyone granted the Honorary Freedom of the Borough should take formal precedence after the Mayor and Deputy Mayor on civic occasions; and
7. Anyone granted the Honorary Freedom of the Borough should receive a badge (similar to an Honorary Alderman's) and an illuminated scroll.
8. Full Council may, following a recommendation from Standards Committee, revoke the award of the Freedom of the Borough granted to any person or organisation at any time, if it considers that the recipient has brought the Council into disrepute.



## **Appendix 4 – Proposed amendment to Constitution Annex 3 (Responsibilities for Council Functions)**

### **Standards Committee**

#### **Composition**

- E.1 The Standards Committee shall consist of seven members and up to three co-opted non-voting Town/Parish representatives and one Independent Person.
- E.2 For the making of general arrangements for its operation and for dealing with its functions which have a general application, the whole Committee shall be convened; but it may choose not to involve all of its members in conducting hearings affecting particular individuals.
- E.3 For the holding of any such hearings, the Committee shall be advised by the Monitoring Officer, or her nominee, and a Panel formed to conduct a hearing shall be authorised to perform all the functions of the Committee in relation to that hearing.
- E.4 In designating the members to form Panels, the Committee shall be advised by the Monitoring Officer, or their nominee, and shall have regard to political proportionality, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

#### **Terms of Reference**

- E.5 Hearings will be conducted according to procedural rules adopted by the Council.
- E.6 Subject to complying with any relevant legal requirements, the Committee shall apply such codes, procedures and consultative processes as the Council shall determine.
- E.7 The Committee shall provide advice, codes, procedures, consultative processes or legal requirements as are required to keep the ethical health of the Authority under review.
- E.8 The Committee shall have authorisation to grant dispensations.

#### **Functions Referred to the Committee**

The Committee shall have the following functions.

- E.9 The promotion and maintenance of high standards of conduct by Councillors and co-opted members.
- E.10 Monitor the implementation and operation of the Council's codes of conduct for Councillors and Officers.
- E.11 Determine breaches of codes of conduct which have been referred to it and to impose sanctions.
- E.12 Consider reports from the Monitoring Officer.
- E.13 Determine applications for dispensations.
- E.14 Consider nominations for the award of Freedom of the Borough, and make recommendations to Full Council for the award or refusal.
- E.15 Consider applications for the revocation of any award of Freedom of the Borough, and make recommendations to Full Council as regards such revocation.

**Pre-Screening Equality Impact Assessment**

Borough Council of  
**King's Lynn &  
West Norfolk**



Name of policy/service/function	Award of Freedom of the Borough				
Is this a new or existing policy/service/function?	Existing				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>Review of the awarding criteria</p> <p>Not rigidly constrained</p>				
<b>Question</b>	<b>Answer</b>				
<p><b>1.</b> Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups <b>according to their different protected characteristic</b>, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (e.g. low income)			x	

Question	Answer	Comments
<p><b>2.</b> Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No	
<p><b>3.</b> Could this policy/service be perceived as impacting on communities differently?</p>	No	
<p><b>4.</b> Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	No	
<p><b>5.</b> Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	<p><b>Actions:</b></p>
		<p><b>Actions agreed by EWG member:</b></p> <p>.....</p>
<p><b>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</b></p>  <p><b>Decision agreed by EWG member:</b> .....</p>		
<p><b>Assessment completed by:</b></p> <p><b>Name</b></p>		
<p><b>Job title</b></p>		
<p><b>Date</b></p>		