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| <p>Non-Executive Report of the:</p> <p><b>Freedom of the Borough Ad-Hoc Panel</b></p> <p>Thursday, 15 April 2021</p>   |  <p><b>TOWER HAMLETS</b></p> |
| <p><b>Report of:</b> Janet Fasan, Director of Legal and Interim Monitoring Officer</p>                                 | <p><b>Classification:</b><br/>Part Exempt (Appendix 2)</p>  |
| <p><b>Freedom of the Borough establishment and membership including appointment of non-voting co-opted members</b></p> |   |

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| <b>Originating Officer(s)</b> | Matthew Mannion, Head of Democratic Services<br>Patricia Attawia, Democratic Services Team Leader<br>(Civic and Member) |
| <b>Wards affected</b>         | (All Wards);  |

### Executive Summary

The Freedom of the Borough Ad-Hoc Panel can be established at any time on the request of the Speaker to oversee the receipt of nominations for the award of the Freedom of the Borough. The Speaker formally made such a request at the Council meeting held on 17 March 2021.

This report sets out the Terms of Reference, Quorum, Membership and timetable of the Freedom of the Borough Ad-Hoc Panel 2021/22 for the information of Members of the Panel.

The Terms of Reference allow the Panel to consider co-opting additional non-voting Members from outside the Council onto the Panel. This report presents options for the Panel to discuss in considering co-opted Panel Members.

The report also sets out, for initial discussion, information around the process and nomination form.

### Recommendations:

The Freedom of the Borough Ad-Hoc Panel is recommended to:

1. To note its Terms of Reference, Membership, Quorum and planned timetable as set out in Appendices.
2. To consider the proposed non-voting co-opted member appointments set out in Appendix 2 (Exempt) – making any appointments thought appropriate.
3. To consider and discuss the information presented in relation to the nomination process and forms to guide their preparation.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The report is presented to enable Panel Members to be aware of the arrangements of the Panel and to agree membership.
- 1.2 The Terms of Reference allow for the Panel to co-opt additional non-voting members. This report allows for a discussion by the Panel on whether they wish to do this.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The Panel is free to propose alternative memberships, timetables and nominations processes for the Freedom of the Borough award.

## **3. DETAILS OF THE REPORT**

- 3.1 Section 249(5) of the Local Government Act 1972 provides for the Council of a London borough to admit to be honorary freemen or honorary freewoman of Tower Hamlets, persons of distinction and persons who have, in the opinion of the Council, rendered eminent services to Tower Hamlets.
- 3.2 The award of the honorary freedom does not in itself confer any rights on the recipient but conferring the title of Honorary Freeman or Honorary Freewoman is the highest honour that the Council can bestow and as such is given only rarely. In Tower Hamlets, the Freedom of the Borough was last awarded in May 2018 to Commander John Ludgate
- 3.3 It is customary that a report setting out a Committee or Panel's Terms of Reference, Membership and Quorum be noted at the first meeting of the municipal year.
- 3.4 The Terms of Reference state that the membership of the Panel should include the Speaker of the Council, Executive Mayor, any former Civic Mayors or Chairs of Council still serving as Councillors, and at least one representative of each political group on the Council.
- 3.5 The Panel may also co-opt additional non-voting Members including, but not limited to, other Civic Mayors or Chairs of Council, or independent persons drawn from the business, community or public sectors.
- 3.6 In accordance with the above the Panel is asked to consider whether it wishes to co-opt any additional non-voting members to assist in its deliberations.
- 3.7 Co-opting additional Members onto the Panel can be a good way of broadening the reach and knowledge of the Panel and of making sure relevant groups and communities are represented. Examples of the reasons why co-opting Members may be valuable include:

- Ensuring a better gender or ethnic balance
- Including representatives from business and industry
- Co-opting past Speakers or Civic Mayors who are no longer Councillors
- Including representatives from the voluntary and community sectors

3.8 The Panel are therefore asked to discuss the options and come to a view as to the appropriate course of action. Should any names be forthcoming during discussion the Panel could agree to co-opt them to the Panel subject to that individual agreeing to be co-opted.

#### Potential Non-Voting Co-opted Members of the Panel

3.9 Following initial consultation with the Speaker and other Members, a number of people have been proposed as potential nominations as non-voting co-opted Members to the Panel. These are set out in Appendix 2 (exempt). The Panel are asked to consider these nominations and approved any deemed appropriate. Other nominations can also be proposed.

#### **The process for awarding the Freedom of the Borough**

3.10 The admittance of honorary freemen or women is only exercisable by resolution of the Council via a specially convened meeting for that purpose. Any decision to do so must be made 'by resolution passed by not less than two-thirds of the members voting thereon' at that meeting.

3.11 Following recommendations of the Constitution Working Party on the matter in October 2010, the Council has established the Freedom of the Borough Ad Hoc Panel to 'consider any proposals that may be made in due course relating to the granting of the Freedom of the Borough, including any nominations for that award, and to make recommendations'. The Panel has no delegated powers.

3.12 Once the Panel has identified a person or persons it wishes to propose for the award of the Freedom, it would be normal for further consultation to take place within the political groups to confirm that there is full support for the proposal(s) before they are put for formal consideration by the Council, as any controversy or debate on the merits of the award at the Extraordinary Council Meeting would be highly embarrassing to the proposed recipient(s).

3.13 Although it is possible for the Council to agree to make an award of the Freedom of the Borough and for the award to be presented at a future date, traditionally the whole process takes place on the same day, with the proposed Freeman/women in attendance at the Extraordinary Council Meeting which resolves to make the award. The presentation of a scroll or other gift marking the Freedom is made immediately after the passing of the resolution and the meeting would normally be followed by a reception for Members and invited guests in honour of the new Honorary Freeman/women.

## Criteria

- 3.14 It is for the Council to determine which individuals may be deserving of the Freedom of the Borough. Beyond stipulating that they must be persons of distinction and persons who have, in the opinion of the Council, rendered eminent services to Tower Hamlets, the 1972 Act does not provide guidance on this matter and the Council has not previously adopted formal criteria for the award. It should be noted that organisations as well as people can be nominated for the award, for simplicity documents relating to the Panel refer to awards being given to individuals but this should in all cases read 'or organisations'.
- 3.15 However, as the Freedom of the Borough is awarded relatively rarely and should be reserved only for the most exceptional persons, it is suggested that the overriding principle should be merit and that the award should recognise exceptional achievement or service by an individual that has, for example:
- Demonstrated exceptional achievements or service to the community.
  - Made a real difference in their field of work or their community.
  - Brought distinction to the borough or enhanced its reputation.
  - Exemplified sustained and selfless voluntary service.
  - Demonstrated innovation or entrepreneurship which has delivered benefits to the Borough.
  - Carried the respect of and inspired his/her peers.
  - Significantly improved the lot of those who have suffered disadvantage.
  - Promoted community cohesion
  - Contributed to the borough beyond the call of duty in a way that stands out above others.
- 3.16 The award should not be made solely because a person has performed well in their job or reached a particular level, but rather in recognition of efforts that have gone beyond the call of duty, or achievement that stands head and shoulders above others.
- 3.17 The application form will include space for the person nominating them to set out why they think the candidate should receive the award.
- 3.18 The resolution to award the Freedom will contain the particular grounds on which the Council have come to their decision and details of the public services rendered by the recipient.
- 3.19 The Freedom of the Borough should only be awarded in rare cases to the most exceptional individuals. Whilst it is not proposed to institute a formal limit it is suggested that the Panel would not forward more than a small number of nominations each year to Council for consideration.
- 3.20 If, having reviewed the nominations, the Panel feels there are some nominees who deserve recognition but are not to be put forward for the Freedom of the Borough then it could consider how else they should be acknowledged.

## **Current roll of Honorary Freeman/Freewomen of Tower Hamlets since the establishment of the London Borough of Tower Hamlets in 1965**

Charles Blaber J.P (7. 5.1965)  
William Thomas George Guy (7.5.1969)  
Albert William Overland MBE (7.5.1969)  
Frederick George Spearing (3.3.1971)  
William Thomas Tuson (3.3.1971)  
Thomas James Beningfield J.P (21.6.1972)  
Alfred Stocks (7.5.1975)  
Jack Wolkind LL.M (22.10.1975)  
George Mackley Browne (23.11.1977)  
Ernest Walter Hill (23.11.1977)  
Herbert Francis Rackley (23.11.1977)  
Arthur Sidney Dorrell (27.7.1979)  
William Isaac Brinson OBE JP (27.7.1979)  
Edward Patrick Webber (27.7.1979)  
George Henry Wall (28.1.1981)  
The Salvation Army (26.1.1994)  
John Riley (22.4.1995)  
Robert William Ashkettle BEM (11.10.1995)  
Albert Charles Jacob (11.10.1995)  
Arthur William Downes (3.7.1996)  
Ashek Ali.Barrister At Law (4.12.1996)  
Rt Hon. The Lord Shore of Stepney (15.2.1999)  
Tassaduq Ahmed (15.2.1999)  
Mildred Gordon (15.2.1999)  
Abdul Gaffar Choudhury (15.2.1999)  
Commander John Ludgate (23.5.2018)

### **Process for receiving nominations**

- 3.21 It is proposed that a notice is placed, for approximately 6 weeks, on the Council's website and other publications where appropriate inviting nominations. The political groups would also be invited to submit nominations themselves. The Panel may have views on appropriate levels of publicity and should note that some authorities restrict the nominations process, for example by requiring nominations to come only via the political groups. Given that only a few nominations will be agreed each time there is the potential for disappointing larger numbers of applicants if there are too many nominations so it can be necessary to balance expectations.

### **Example Nomination Form**

- 3.22 A draft nominations form is attached at Appendix A as presented in 2018. The draft form sets out the content that will be requested from applicants.

### **Reviewing Nominations**

- 3.23 Following receipt of nominations, officers will prepare an information/nominations pack and the Panel will meet to review all nominations received against the criteria set out above. Agreed nominations will then be forwarded to Council for final approval.

### **Award**

- 3.24 Consideration of the nominations by Council must happen at a Special meeting convened specifically for that purpose. This meeting could occur on the same night as a regular planned Council meeting. A report proposing arrangements for agreeing and presenting the awards, along with information on possible gifts, dinner/receptions etc will be presented for agreement at a future Panel meeting.

### **Process Timetable**

- 3.10 On the basis that the Panel agree its establishment and to begin a process of nominations, a timetable for that process should be agreed. Normally the process will involve a period of time for public submission of nominations, followed by one or two meetings of the Panel to shortlist the received nominations. The final nominations are then submitted to Council for approval.
- 3.11 A suggested timeline could work as follows:
- Initial meeting to establish panel, agree membership and process– 15 April 2021
  - Meeting to confirm nomination form wording – May
  - Period for receipt of nominations – June/July
  - Meeting to consider nominations – end of July (plus one in August or early September if required)
  - Special meeting of Council to confirm nominations - September
- 3.12 The Panel are asked to review and comment on the above as necessary. Specifics can be agreed at this meeting or updated and presented at the next meeting for final agreement.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 It is important that the award of the Freedom of the Borough should reflect the exceptional contribution of the resident(s) to the benefit of all sections of the community within the borough.

## **5. OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 None identified.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no direct financial implications for the Council arising from this report.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 Section 249(5) of the Local Government Act 1972 permits the Council to admit persons to be honorary freemen or honorary freewomen of Tower Hamlets. The only requirements for persons so admitted is that they be persons of distinction and persons who have, in the opinion of the Council, rendered eminent services to Tower Hamlets.

7.2 The decision to admit must be by resolution of the Council at a specially convened meeting for that purpose and must be passed by not less than two-thirds of the members voting at that meeting.

7.3 As there is no specific guidance for admitting Honorary Freeman and Freewomen, the Council can set up its own process for inviting nominations and for their consideration prior to the matter going to an Extraordinary Council meeting to consider resolutions to admit. Council has established a Freedom of the Borough Ad Hoc Panel to consider proposals that may be made in due course relating to the granting of the Freedom of the Borough, including any nominations for that award, and to make recommendations. This Panel can therefore determine the process for inviting nominations and for their consideration.

7.4 In consideration this Report and its recommendations, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty).

- 7.5 The information provided for the Committee to note is in line with Section 20 of the Council's Constitution. The Council's ability to co-opt members derives from the Local Government Act 1972 and the Local Authority Social Services Act 1970 as amended by the Local Government and Housing Act 1989 and the Local Government Act 2000. The Local Government and Housing Act 1989 establishes that co-opted members of committees who are not elected Councillors do not generally have voting rights. There are exceptions to this rule which do not apply in this case.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- Appendix 1 – Example Nomination Form for discussion
- Appendix 2 – Potential nominations for Co-opted Members of the Panel (exempt)

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None.

#### **Officer contact details for documents:**

N/A