

**Committee:** FULL COUNCIL

**Agenda Item**

**Date:** April 21, 2009

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**Title:** FREEDOM OF ENTRY TO THE DISTRICT

**Author:** John Mitchell, Chief Executive, 01799 510400 Item for decision

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### Summary

1. This report is to inform members of the ability of the Council to grant freedom of entry to the district in certain circumstances.

### Recommendations

2. That members grant the 33<sup>rd</sup> Engineer Regiment freedom to enter the district of Uttlesford with the right to march through the streets of the district with due ceremony, bayonets fixed, colours flying and bands playing in appreciation of the services rendered to the country by its members in hazardous deployments throughout the world.
3. That the Council presents the regiment with a sealed illuminated scroll/ceremonial casket to mark the grant of freedom of entry.
4. That the freedom of entry be formally presented to the Regiment by the Chairman of the Council at a special outdoor ceremony on a date to be arranged or at the annual Council meeting on 12<sup>th</sup> May

### Background Papers

5. Paragraph 8 is a summary of information supplied by Charnwood Borough Council whose assistance in this respect is gratefully acknowledged.

### Impact

- 6.

Communication/Consultation	None
Community Safety	None
Equalities	None
Finance	None
Human Rights	None
Legal implications	Section 249(5) Local Government Act 1972 contains a power for some councils to admit honorary freemen. The power is only

	<p>exercisable by a London borough, a district which has the status of a city, borough or royal borough or a parish or community having the status of a city or a royal town. Thus district councils are not empowered to admit freemen under this provision. However, the general power of wellbeing contained in section 2 Local Government Act 2000 is considered wide enough to permit the grant of freedom of entry as it would enhance the relationship between the regiment and the district thus promoting the social wellbeing of the district. In exercising the power of general wellbeing members must have regard to the Council's Sustainable Community Strategy and to guidance issued by the Secretary of State.</p>
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

**Situation**

7. As a mark of the long association of the 33<sup>rd</sup> Engineering Regiment with the district of Uttlesford senior members have expressed a wish that the Council consider granting the honour of freedom of entry to the district.
8. The practice of granting freedom of entry to military units has its roots in the history of local government. It is indicative of the power of boroughs in the past. During the middle ages troops were not allowed to march through a town without seeking the permission of the council. As most towns were surrounded by a fortified wall the leading citizens were in a position to refuse access if they wished. Freedom of entry would normally be granted to locally based troops once mutual confidence and friendship had been established.
9. Freedom of entry traditionally confers upon the unit the right to march through the city with due ceremony, bayonets fixed, colours flying and bands playing.
10. Where freedom to enter has been granted it is usually evidenced by a sealed illuminated scroll/ceremonial casket which may be presented at a formal parade where the Chairman of the Council inspects the assembled troops.
11. The power to admit honorary freeman has long been thought to be sufficiently wide to permit the granting of freedom of entry. However, that

power does not rest in district councils. Notwithstanding this it is considered that section 2 Local Government Act 2000 (the general power of wellbeing) is sufficiently wide to permit granting freedom of the district.

12. In exercising the power of wellbeing members must have regard to (but are not bound by) its Sustainable Community Strategy and government guidance.
13. There is nothing in the Sustainable Community Strategy which would support granting the freedom of the district. However, the absence of any such provision is not necessarily a reason why such a resolution should not be passed if members are satisfied that the requirements of section 2 (in particular the promotion or improvement of the social wellbeing of the area) are satisfied.
14. Government guidance does not define what actions would constitute a promotion of economic social or environmental wellbeing although it makes it clear that the terms are considered to be sufficiently broad to encompass both cultural wellbeing as well as the promotional improvement of the health of council's residents or visitors to the area. It is for the authority itself to decide whether any particular action would promote or improve wellbeing taking account of their local circumstances. The guidance states the power can be used instead of existing more specified powers. The fact that the authority does not have power under section 249(5) of Local Government Act 1972 would not therefore prevent the granting of freedom under section 2 of the 2000 Act. The expenditure in providing an illuminated scroll or casket would be authorised by section 2. If members were to resolve to grant the freedom of entry to the regiment this would be consistent with government guidance.

### **Risk Analysis**

15. There are no risks associated with this report.