

## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	10 October 2012
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Freedom of the City – Notices of Motion by Councillor Callum McCaig and former Councillors Jim Hunter and Peter Stephen, the Lord Provost
REPORT NUMBER:	OCE/12/020

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### 1. PURPOSE OF REPORT

At its meeting of 4 April 2012, the Council had before it Motions in the names of Councillor Callum McCaig, former Councillor Jim Hunter and former Councillor Peter Stephen, the Lord Provost concerning the Freedom of the City. The Council resolved to instruct officers to report to a future meeting on the process of nominating candidates for Freedom of the City, detailing the relevant implications and the merits of the three nominations.

This report fulfils the Council's instruction, providing background to the Freedom of the City in terms both of its history and its recipients and setting out the current process from nomination to conferral.

The report notes that there is no limit to the number of honorary freemen that the City Council can admit either in total or in any given year and that each proposal to award the Freedom should be assessed on its own merits. While precedent is by the recognition given to previous recipients, there are currently no agreed, objective criteria for agreeing a proposed conferral. The key deciding factor is whether or not a proposal attracts the support of the required two thirds of those members voting when it is considered by the Council.

### 2. RECOMMENDATION

That the Council agrees to establish a Special Freedom of the City Committee chaired by the Lord Provost and in addition comprising the Group Leaders, i) to consider in further detail each of the three proposals for the Freedom of the City and to recommend to the Council a decision on each; and ii) to consider the current process for nomination and conferral of the Freedom of the City and to recommend to the Council any changes it would wish to see adopted.

### 3. FINANCIAL IMPLICATIONS

The most recent conferrals of the Freedom of the City have required a budget of £50,000 each. The funding has been allocated from the Common Good.

### 4. OTHER IMPLICATIONS

The granting of the Freedom of the City is governed by provisions within the Local Government (Scotland) Act 1973.

### 5. BACKGROUND/MAIN ISSUES

#### *Introduction*

At its meeting on 4 April 2012 the Council had before it the following three Motions:

Councillor Callum McCaig – “In recognition of his successful football career, including his position as the national team’s joint top goal scorer with thirty goals and as the only Scottish footballer to have been crowned European Footballer of the Year, Council agrees to bestow the Freedom of the City on Denis Law.”

Former Councillor Jim Hunter – “That Council confers the Freedom of the City upon Paul Lawrie for his services to golf and to the City and for his charitable work.”

Former Councillor Peter Stephen, the Lord Provost – “That the Council confers the Freedom of the City on Professor Paul Mealor of the University of Aberdeen. Professor Mealor is well known having written the music for the hit song by the Military Wives which topped the music charts in December 2011 – this has brought huge credit to the City and the University, focusing on the military background which the UK are currently involved in.”

The Council resolved to instruct officers to report to a future meeting on the process of nominating candidates for Freedom of the City, detailing the relevant implications and the merits of the three nominations.

#### *Background*

Those upon whom the Freedom of the City is conferred are “admitted and received as a Free Burgess and Guild Brother of the City and Royal Burgh of Aberdeen”. It is the highest honour that the Council has within its gift and it can be argued that it has been bestowed since the sixteenth, or possibly the fifteenth, century. Attached as Appendix 1 is a short history of the Freedom of the City prepared by the then City Archivist as background information during the preparations for the conferral of the Freedom on Mikhail Gorbachev.

Attached at Appendix 2 is a list of those who have received the Freedom of the City since 1833.

The granting of the Freedom of the City is now governed by provisions within the Local Government (Scotland) Act 1973. Part XI of the Act states:

#### Section 206, Admission of honorary freemen

- 1 A local authority may, by resolution passed by not less than two-thirds of the members voting thereon at the meeting of the authority the notice of which specifies the proposed admission as an item of business, admit to be honorary freemen of their area persons of distinction and any persons who have rendered eminent service to their area.
- 2 An officer designated for the purpose by the local authority shall keep a roll containing the names of persons admitted to be freemen under this section.

#### Section 207, Limitation of rights of freemen

Nothing in this Part of this Act shall –

- 1 confer any right of membership or any right or interest in the properties, funds, revenues or privileges of any guild or incorporation of crafts; or
- 2 confer any right or interest in any burgess acres or any grazing rights connected therewith, or affect the law or practice existing at the commencement of this Act with reference to the use, enjoyment and administration of any such burgess acres or grazing rights

In terms of the Act recipients of the Freedom are “persons of distinction” and/or “persons who have rendered eminent service” to the City. The citations registered in the City Council’s Freedom Roll for those who have received the Freedom over the last twenty years state that the honour was bestowed in recognition of...

#### HMS Scylla (1992)

... the special association which has existed for fifty years between the City and the people of Aberdeen and HMS Scylla, and which commenced when funds contributed by the people of Aberdeen during World War II met the cost of provision of the fourth Scylla, and the role performed throughout history by the Royal Navy in protecting the maritime interests of the major sea-port of Aberdeen.

Mikhail Sergeyevich Gorbachev (1993)

... his unique contribution to freedom, democracy, justice and peace, to the advancement of human rights and the preservation of a safe and secure future for all nations.

University of Aberdeen (1995)

... the scholarly achievements of its members, and its contribution to the life and culture of Aberdeen, of Scotland, and of the world community during the first five hundred years of the University's existence.

Alex C Collie (1995)

... his long and loyal service to the citizens and community of Aberdeen as Councillor, Convener and Lord Provost, and of his tireless enthusiasm and love for his native city and its people.

Sir Alex Ferguson (1999)

... both the unprecedented success of his period as Manager of Aberdeen Football Club, whereby the City and Community of Aberdeen derived great benefit, and his international renown in football management.

John Rowland Mallard (2004)

... his pioneering and internationally renowned research work in medical imaging technology, and of the benefits to the health of the citizens of Aberdeen and to the international standing of the local research community, which have accrued from his academic presence in the City.

Highlanders, 4<sup>th</sup> Battalion, the Royal Regiment of Scotland (2006)

... valour displayed in battle, their association with the City of Aberdeen and the historical connection with their predecessors, the Gordon Highlanders

each of George Donald, William "Buff" Hardie and Stephen Robertson (2008)

... his service to the fine arts, the Doric language and North East of Scotland culture; of his promotion of the City and, above all, for makin' a'body laugh.

### *Process for Nomination*

A suggested conferral of the Freedom of the City is raised by an elected member or members through a Notice of Motion to the Council. Given the high profile nature of such a matter it is preferable, where possible, that the proposer of the Motion takes soundings from the Group Leaders to gauge whether or not the proposal is likely to be agreed by the requisite number of councillors. In addition, it is preferable to know ahead of the Notice of Motion being published whether or not the intended recipient will be willing to accept the honour should it be agreed by the Council.

Once the Council has agreed the Motion, it is normal for the Council to establish a Special Freedom of the City Committee chaired by the Lord Provost and in addition comprising the Group Leaders to agree the terms of the citation to be added to the Freedom Roll and to oversee all the necessary arrangements for the Freedom Ceremony.

The key features of the Freedom Ceremony include i) a civic procession from the Town House to the venue for the conferral, normally the Music Hall, ii) the conferral itself comprising speeches, the reading of the Burgess Ticket (the extract from the Freedom Roll), the signing of the Freedom Roll, the presentation of a casket (to hold the Burgess Ticket) and the pinning of the Burgess Ticket to the honorary freeman's hat and iii) a civic dinner normally held at the Beach Ballroom.

The most recent conferrals of the Freedom of the City have required a budget of £50,000 each. This funding has been allocated from the Common Good.

### *Current Motions*

The Council has been requested to consider three potential recipients of the Freedom of the City. Each should be considered on its own merits and not simply in comparison to the other two that have been brought forward at the same time.

Recognising that the Freedom of the City is the highest honour the City Council can bestow and as such should necessarily be granted on a very limited basis, and setting to one side any financial consideration, there is no overall limit to the number of honorary freemen the City Council can admit and nor is there any limit to the number that can be admitted in any one year.

As stated above, the terms of the Local Government (Scotland) Act 1973 speak of "persons of distinction" and/or "persons who have rendered eminent service" to the City, but beyond this and the precedent set through previous awards as illustrated by the citations for those made in the last twenty years there are no agreed, objective

criteria for decision-making in relation to suggested conferrals of the Freedom of the City. The key issue is whether or not a proposal garners the support of the required two thirds of those members voting when the matter is brought before the Council.

Given all of the above it is recommended that the Council agrees to establish a Special Freedom of the City Committee chaired by the Lord Provost and in addition comprising the Group Leaders, i) to consider in further detail each of the three proposals for the Freedom of the City and to recommend to the Council a decision on each; and ii) to consider the current process for nomination and conferral of the Freedom of the City and to recommend to the Council any changes it would wish to see adopted.

#### 6. IMPACT

The granting of the Freedom of the City is the highest honour that the Council can bestow and relates to the Council's responsibilities in upholding the civic dignity and tradition of the City.

Given the high profile nature of the subject matter of the report it is likely to be of interest to the public.

#### 7. BACKGROUND PAPERS

None

#### 8. REPORT AUTHOR DETAILS

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## **History of the Freedom of the City**

### *Summary*

The origin of burghs and the concept of the burghess date back to the twelfth century and over a period of several hundred years developed virtual monopolies of trade, for entry to which incomers had to pay heavily.

From this position of privilege developed the concepts firstly of the free burghess, who might not be a trader, but someone whom the Town Council wished to predispose in their favour, and in the eighteenth century of the “honorary” burghess who honoured the town by consenting to be admitted.

Certain aspects of the twentieth century ceremony can be traced back to the eighteenth century, but this appears to be altogether more elaborate than the admission ceremony from the period when the Council was accustomed to admit working burghesses alongside the “honorary” ones.

### *Origin and development of burghs and burghesses*

The significance of admittance as a “free burghess and guild brother/member” is rooted in the origin of the burgh in the twelfth century. In the tribal and unurbanised culture which twelfth century Scotland represented, permanent settlements of craftsmen and merchants, with organised networks of trade, were engines for creating wealth, the medieval equivalent of a licence to print money.

Great landowners, lay and clerical, were eager to establish such settlements, which generated income in the form of property rents, market tolls and court fines. Populations of skilled craftsmen and experienced traders were attracted by favourable start-up conditions from existing urban settlements in England, France and the Low Countries. The Crown was at the forefront of the movement, and could offer the most attractive terms.

Urban settlements grew up almost overnight to become burghs, their more important inhabitants to be called burghesses, enjoying well-defined privileges of trading in a restricted and well-defined market area together with monopolies of manufacture.

In the case of Aberdeen, our earliest charter, issued by King William the Lion (c. 1180) refers to the King’s burghesses of Aberdeen, sharing a hanse (or guild) with the other royal burghesses in the north east of Scotland as they had done in the reign of the King’s grandfather (David I). This is taken to imply the foundation of the Royal Burgh of Aberdeen some time before 1150.

Within twenty years of the first charter, the burghesses of Aberdeen had received their own specific charter of trading privileges, excepting them from

paying toll on goods bought and sold in any market in Scotland. Twenty years after that (c. 1220) King Alexander II granted Aberdeen the privilege of a guild merchant and issued a set of trade regulations which effectively gave the burgesses control over trade throughout the Sheriffdom of Aberdeen.

Burgesses of royal burghs, especially burgesses belonging to the guild merchant, continued to enlarge their privileges both at the expense of their fellow citizens within the burgh, and of their rivals outside it, for several hundred years. In 1364 a royal charter was granted in general terms to the burgesses of Scotland allowing them, and them alone, to buy and sell anywhere within the liberty of their burghs. No inhabitant, whatever his status, was to buy or sell wool, woolfells or hides (then the principal exports of the realm) except from or to merchants of the burgh within whose liberty he resided.

The obligations of the burgher could be quite heavy, in that they were expected to reside within the burgh on their own property, held by burgh tenure, to pay their share of all taxes levied upon the town (scot and lot) and to own arms and be prepared to use them in defence of the town (wake and ward). In addition the new burgher swore fealty to the monarch, to the alderman/provost and baillies as leaders of the community, loyally to keep the mercantile secrets of the burgh, and not to abuse his monopoly position in trade by buying up goods before they came to market (forestalling) or holding on to goods to force up the price (regrating).

The oath incorporating these obligations is first recorded in a manuscript of c. 1280 x 1329, and with certain emendations remained in use until the abolition of the burgher oath in 1818. Additionally the new burgher made a contribution to the funds of the community of the burgh, its size depending on whether he was a newcomer, had served his apprenticeship, or was the son or son-in-law of a burgher.

This sketch indicates the economic power and importance of burgesses and members of the guild merchant. They were by definition "free", as only free men could swear fealty to the King.

#### *Development of concepts of admission as burgher by grace and as an honour*

To be a burgher was a prized and expensive privilege, and from the time the archives of Aberdeen begin as a regular series at the end of the fourteenth century, there are examples of individuals being admitted as burgesses for no payment (*gratis*). Sometime the reason is given, and sometimes it is by grace (*ex gratia*) of the Council, either as recompense for services already rendered to the community, or in expectation of such services. In the early period it seems likely that all burgesses were expected to take and observe the burgher oath.

The concept of the "honorary burgher", a usage which has never been officially employed in Aberdeen, cannot appear until existing burgesses, and more particularly the Town Council, can grasp the idea that not all burgesses



need to be active craftsmen or merchants resident in the burgh. In addition the granting of non-functional membership of the body of burgesses has to be perceived as an honour by those outside the burgh, as well as those within it. Presumably the aim has always been to predispose the great and the powerful in favour of the Burgh of Aberdeen, and it has been thought that John Erskine, Earl of Mar was the first such honorary burgess in 1439. However the Earl of Mar paid for his admission, at 5s. slightly less than the going rate for the son of a burgess, and took the whole oath with the exception of the clauses in respect of taxation and defence. It is not impossible that he, and other county landowners after him, were glad to become burgesses of a royal burgh, if it gave them greater power of disposal of goods produce on their estates. By the late sixteenth century gentlemen admitted burgesses *ex gratia* were sometime admitted on the specific condition that they did not indulge in trade.

It can reasonably be argued that both the Earl of Huntly (1582) and the Duke of Lennox (1594) were truly admitted as honorary burgesses, since in both instances the Town Council made a sizeable gift in kind or money to the new burgesses – a most unusual step in other circumstances. In the seventeenth century, hundreds of visitors to Aberdeen, including many military men, were admitted as free burgesses and guild brethren by grace of the Council. It is doubtful whether this can be perceived as an honour in the sense that we now view the infrequent creation of a free burgess and guild member, and that the Council may have had reservations about the value of this mark of respect in the eyes of its recipients becomes apparent in the eighteenth century.

From the aftermath of the rout of the Jacobites in 1715, the most distinguished visitors, starting on 11 April 1716 with John 2<sup>nd</sup> Duke of Argyll, Commander in Chief of the Hanoverian forces and General William Cadogan, were admitted as free burgesses under a new formula, “in token of the most devoted love and affection and the most distinguished respect”. Whether there are any seventeenth century examples of this formula, and whence its derivation, remains to be established.

However this became the standard formula for the higher grade of free burgess and guild brother up to the passage of the Burgh Reform Act 1833, varied only in the particularly florid effusions for the Duke of Cumberland in 1746, and for a few foreign recipients for whom it appears the Town Council feared that the standard burgess ticket would cut no ice.

#### *Historical origins of the current procedures*

Current features of the modern ceremony first become apparent in the eighteenth century. From Johnson and Boswell’s Tour of the Western Isles it appears that when Johnson received the freedom in 1773 it was customary for the recipient to wear the burgess ticket or diploma attached to his hat during the remainder of the ceremony. Both the Duke of Cumberland (1746) and Henry Dundas, Home Secretary (1793), received their burgess tickets in a gold box, but until the Town’s account books can be examined in detail, it is not clear whether these were, as seems likely, noteworthy exceptions.

Since the passage of the Burgh Reform Act 1833, admission as free burgesses and guild brethren of distinguished guests of the Town Council has been infrequent, and accompanied by an individually drafted diploma or burgess ticket (until 1890 in sometimes flowery Latin) setting out the reason for the honour being conferred. This has been written out on an individual page of the Register of Free (Honorary) Burgesses. Provision of a casket to hold the burgess ticket was certainly well-established by 1890, when Andrew Carnegie the US steel millionaire who had provided much of the funding for the City Library building, requested that his casket be manufactured of no costly material. He was given a red leather covered box.

It appears that the admission of the explorer H M Stanley as a free burgess and guild brother in 1890 was the first occasion that the Music Hall had been used for the ceremony and this was the venue for most, but not all, of the twentieth century ceremonies.

On a number of occasions the ceremony admitting a free burgess and guild brother has taken place outwith Aberdeen. Both the Duke of Cumberland and Henry Dundas received their tickets elsewhere, and the respective gold boxes may have been provided ostensibly to transport the tickets. In 1927, after the unexpected death of Viscount Cowdray, the public ceremony was cancelled and his widow received her burgess ticket privately at Dunecht House. In 1943, recognising the exigencies of war, the Lord Provost and Town Clerk travelled to London to admit Field Marshal Smuts as a free burgess and guild brother. In 1984 Nelson and Winnie Mandela were admitted by proxy.

Judith Cripps  
Archivist  
23.10.1990

**Freedom of the City Recipients (post-1833)**

The Lord Brougham and Vaux (1834)  
The Duke of Buccleuch and Queensberry (1834)  
The Marquess of Tweeddale (1834)  
The Earl of Erroll (1836)  
The Duke of Richmond and Lennox (1837)  
George Watt of Aberdeen (1839)  
The Duke of Sutherland (1840)  
Robert Wallace of Kelly (1841)  
George Thomas of Fairley (1841)  
Samuel McKnight of South Carolina (1844)  
Rowland Hill (1844)  
Albert, Prince Consort (1848)  
Sir Robert Peel, Bt (1849)  
The Earl of Carlisle (1854)  
Joseph Hume (1854)  
The Earl of Stanhope (1858)  
The Earl of Airlie (1859)  
Lord John Russell (1859)  
Edward Ellice (1862)  
The Prince of Wales (1866)  
William Ewart Gladstone (1871)  
William Edward Forster (1876)  
Sir Arthur Hamilton-Gordon (1878)  
Sir John Anderson (1881)  
The Earl of Aberdeen (1883)  
Sir Richard Assheton Cross (1883)  
Archibald Primrose, 5<sup>th</sup> Earl of Rosebery (1884)  
Marquess of Lorne (1888)  
William Alexander Hunter (1890)  
Henry Morton Stanley (1890)  
Andrew Carnegie (1892)

Charles William Mitchell of Jesmond Towers (1901)  
The Lord Mount Stephen (1901)  
The Lord Strathcona and Mount Royal (1902)  
The Earl Roberts (1913)  
William Morris Hughes (1918)  
Sir Douglas Haig (1919)  
The Lord and Lady Cowdray (1926)  
Sir Robert Williams (1927)  
The Earl Jellicoe (1928)  
Sir Thomas Jaffrey of Edgehill (1928)  
Robert Laws (1928)  
Sir James Murray (1931)  
Sir George Adam Smith (1931)  
The Lord Meston (1935)

The Lord Milne (1935)  
William Lyon Mackenzie King (1937)  
Joseph Aloysius Lyons (1937)  
Peter Fraser (1941)  
Jan Christiaan Smuts (1942)  
John Gilbert Winant (1943)  
Vi-Kyuin Wellington Koo (1943)  
Winston Spencer Churchill (1946)  
Sir John Boyd Orr (1949)  
Thomas Johnston (1949)  
The Colonel, Officers and other Ranks of the Gordon Highlanders (1949)  
The Earl Attlee (1956)  
The Lord Bilsland (1956)  
Queen Elizabeth, the Queen Mother (1959)  
Sir Duguld Baird (1966)  
Lady Baird (1966)  
The Lord Strathclyde (1966)  
Mary Esslemont (1981)  
Nelson and Winnie Mandela (1984)  
HMS Scylla (1992)  
Mikhail Sergeyevich Gorbachev (1993)  
University of Aberdeen (1995)  
Alex C Collie (1995)  
Sir Alex Ferguson (1999)

John Rowland Mallard (2004)  
Highlanders, 4<sup>th</sup> Battalion, the Royal Regiment of Scotland (2006)  
George Donald (2008)  
William "Buff" Hardie (2008)  
Stephen Robertson (2008)