

Item: 17

General Meeting of the Council: 5 May 2021.

Nomination for the Honour of the Freedom of Orkney.

Report by Chief Executive.

1. Purpose of Report

To consider a nomination for the honour of the Freedom of Orkney.

2. Recommendations

The Council is invited to note:

2.1.

That, in December 2011, the Council adopted a nomination process for conferring the honour of the Freedom of Orkney.

2.2.

That, a nomination, supported by six elected members has been received from Councillor J Harvey Johnston, requesting that the Council confer the Freedom of Orkney upon the Royal Navy Northern Diving Group, in recognition of the longstanding historic connection in commemorating those lost in the sinking of HMS ROYAL OAK and in keeping the community safe through the safe disposal of modern and historic ordnance, including torpedoes and mines.

It is recommended:

2.3.

That the Council determine whether or not to confer the Freedom of Orkney upon the Royal Navy Northern Diving Group in recognition of the connections referred to in paragraph 2.2 above.

3. Background

3.1.

On 22 November 2011, the Policy and Resources Committee noted the background to the Freedom of Orkney honour and recommended the procedure for conferring the honour of the Freedom of Orkney.

3.2.

The procedure required that nominations be made by elected members, with each nomination requiring the support of at least six councillors. The full Council shall decide who should receive the honour, which will require a resolution passed by not less than two-thirds of the members present and voting.

3.3.

In addition, the Council resolved that, during each term, the Council should confer the Freedom of Orkney with the maximum number of recipients being two.

3.4.

On 4 July 2017, the Council resolved to posthumously confer the Freedom of Orkney upon the late Dr John Rae in recognition of his outstanding achievements as a world renowned explorer including discovery of the final portion of the Northwest Passage, Canada, also known as the Rae Strait. It is therefore open to confer this honour to one further recipient prior to the end of the term of this Council in May 2022.

4. Freedom of Orkney

4.1.

The granting of Kirkwall's Royal Charter by King James III in 1486 marked the beginning of an era in Orkney. The Earls and Bishops who had jointly governed the islands under Norse rule were augmented by Magistrates and Councillors elected to control the affairs of the newly formed City and Royal Burgh. Their powers included a monopoly of trade regulation throughout the whole county.

4.2.

By charter rights, supported by Act of Scottish Parliament, the Magistrates were empowered to grant trade licences in the form of Burgess Tickets whereby the holders were recognised by 'free' traders, being the only inhabitants of the Royal Burgh of Kirkwall entitled to import and export commodities. The 'freedom' was, however usually conditional upon payment of an annual sum to the Royal Burgh. In this system the Town Council sought the co-operation of the Incorporated Trade Guilds of Kirkwall: two members from each Guild were represented on the Council. With limited entitlement regarding participation in debate and voting. In time Burgess Tickets became known as Guild Tickets.

4.3.

There were three grades of tickets in Kirkwall:

- The basic Chapman's Ticket, something akin to a present-day street trader's licence.
- The joint Burgess and Build Brother Ticket, which was the most common and principally conferred on those allowed to trade within the burgh and to southern ports and the continent.
- The honorary Burgess and Guild Brother Ticket.

4.4.

While eventually the general granting of the tickets ceased, since the mid-19th century honorary tickets were occasionally awarded as the City and Royal Burgh's highest tribute.

4.5.

Since reorganisation of the local government in May 1975, the honour conferred is the Freedom of the Orkney Islands Area, in terms of section 206(1) of the Local Government (Scotland) Act 1973.

4.6.

Honorary Freeman (including Royal Navy and military personnel) since 1948 are as follow:

- Mr Stanley Cursiter – 7 July 1948.
- Mr William Heddle – 7 July 1948.
- Mr Ernest Marwick – 1975.
- Ex-Provost Scott – 1975.
- HMS Orkney – 22 July 1984.
- Lord and Lady Grimond – 22 April 1987.
- Mr Edwin Eunson – 18 July 1990.
- Brigadier Sidney Robertson – 18 July 1990.
- Colonel Sir Robert Macrae – 18 July 1990.
- Queen's Own Highlanders – 22 August 1990.
- Dr John Rae – 4 July 2017.

5. Nomination

5.1.

A nomination has been received from Councillor J Harvey Johnston, requesting that the Council confer the Freedom of Orkney upon the Royal Navy Northern Diving Group (NDG) in recognition of the longstanding historic connection in commemorating those lost in the sinking of HMS ROYAL OAK and in keeping the community safe through the safe disposal of modern and historic ordnance, including torpedoes and mines. The nomination was supported by an additional six elected members.

5.2.

Scotland based Royal Navy Clearance Divers have a long history with Orkney. Available records show that they have been visiting the Island for over 40 years, with the most poignant connection being HMS ROYAL OAK. It was NDG's predecessor unit, Scotland and Northern Ireland Clearance Diving Team, that recovered the Ship's Bell in 1982. Since then, as a mark of respect, Clearance Divers have taken on the responsibility to annually change the White Ensign; NDG has carried out this role since it was formed in 1995 and intend to continue to do so.

5.3.

Another notable connection is through NDG's Explosive Ordnance Disposal support to Civil Authorities. Records also show that NDG and its predecessors have attended Orkney to support the Police and Coastguard on 144 occasions, safely disposing of a range of modern and historic ordnance, including torpedoes and mines.

5.4.

In addition to the Royal Oak commemoration in October each year, NDG is in Orkney several times a year to support the authorities. NDG team members past and present display a personal affinity to the relationship with Orkney; they are enormously proud of the historic connection and wish to ensure it continues into the future.

5.5.

It is proposed that the granting of the Freedom of Orkney will further recognise the outstanding work the NDG undertakes in commemorating those lost on the Royal Oak and in support of maintaining Orkney's history and heritage. In addition, NDG's actions in relation to disposal of explosive are a significant contribution to keeping the local community safe.

5.6.

It is proposed that the Council determines whether or not to confer the honour of the Freedom of Orkney upon the Royal Navy Northern Diving Group.

6. Corporate Governance

Conferring the honour of the Freedom of Orkney is a ceremonial procedure and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

There are no immediate financial implications arising from the report recommendations however there may be costs incurred with any associated ceremony and hospitality should the honour of the Freedom of Orkney be bestowed on anyone.

8. Legal Aspects

The Local Government (Scotland) Act 1973, states:

“206 (1) – A local authority may, by resolution passed by not less than two-thirds of the members voting thereon at a 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 the persons admitted to be freemen under this section.

207 – Nothing in this Part of this Act shall –

(a) 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

(b) confer any right or interest in any burgess acres of 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.”.

9. Contact Officers

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