

CONSTITUTION AND ETHICS COMMITTEE

MONDAY 29 OCTOBER 2018
7.00 PM

Bourges/Viersen Room - Town Hall

AGENDA

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There have been no reported dispensations given.	
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There have been no national updates since the meeting on 9 July 2018.	
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Committee Members:

Councillors: Allen, Bashir (Vice Chairman), Iqbal, E Murphy, N Sandford, D Seaton (Chair) and Smith

Substitutes: Councillors: Bond, Fuller and Nawaz

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk



**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING
HELD AT 7:00PM, ON
MONDAY, 9 JULY 2018
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Present: Councillors Seaton (Chairman), Bashir, Allen, Smith, Murphy, A Iqbal, Sandford

Officers in

Attendance: Fiona McMillan, Interim Director Law and Governance & Monitoring Officer
Dan Kalley, Senior Democratic Services Officer
Rachel Edwards, Head of Constitutional Services
Amy Brown - Deputy Monitoring Officer

Also in

Attendance:

1. APOLOGIES FOR ABSENCE

There were no apologies received.

2. DECLARATIONS OF INTEREST

Councillor Murphy declared a personal interest in item 8 by virtue of having previously been the subject of a complaint.

3. AMENDMENTS TO THE CODE OF CONDUCT

The Constitution and Ethics Committee received a report in relation to amendments to the Council's Code of Conduct.

The Interim Director of Law and Governance introduced the report and explained that the purpose behind the report was to update the Code of Conduct taking into account legal requirements placed on the Council by the Localism Act 2011. There were some general updates to the code, including a number of typos that needed fixing, in order to reflect the Committee taking over responsibility from the Audit Committee. There were some changes to the descriptions of disclosable pecuniary interests, which were needed in order to reflect changes to the legislation. Finally the updated code outlined the steps Councillors needed to take if they thought they had a disclosable pecuniary interest. This also included an addition that members leave the room once they had declared a disclosable interest for that item, rather than current practice of remaining in the room.

The updated code also set out what 'other' disclosable interests were and stated in more detail what those 'other' interests could be.

The Constitution and Ethics Committee debated the report and in summary the key points raised and responses to questions included:

- It would be a matter of judgement for Councillors to decide what was a close friend or family member. However, the monitoring officer would be able to offer advice to any Councillor should they need further clarity.
- There was a danger of moving away from what was a fairly clear code of conduct to now include areas of ambiguity. As a Council it was important that it did not return to more bureaucratic standards regime that was in place after the Local Government Act 2000.
- The definition of families was quite complex, adding a list to the code could be quite long and cumbersome. It was important that Councillors made a common sense judgement in those situations.
- Members were directed to the tracked changes at 2.2 of the code, this was already part of the existing code, the amendments were put in place to make this area clearer.
- There had been previous case law, outlining that members needed to leave the room when a decision needed to be made and the Councillor had declared an interest.
- When Councillors were sitting on a committee they needed to be open and give reasons for their decisions. It was therefore important to remove the wording 'be prepared too' in order to do away with any ambiguity.
- There was an issue with what a friend actually meant and was it appropriate to declare an interest whenever an issue arose that would affect a friend. It was stated that was already in the code and had merely been updated to bring it in line with legislation.
- It was discussed that the wording in section 2.1 could include making it explicit that if there were any concerns over whether a declaration needed to be made that clarification could be sought from the monitoring officer.

On a vote the Committee **RESOLVED** to keep the definition of other disclosable interests in the updated Code of Conduct. (4 in favour, 1 against, 2 abstentions).

On a vote the Committee **RESOLVED** to accept the updated definition of family and friends with the addition that Councillors could seek clarification from the Monitoring Officer be included in the wording. (6 in favour, 1 abstention).

The Constitution and Ethics Committee considered and **RESOLVED** (6 for, 1 abstention) to recommend to Full Council the approval of the updated Code of Conduct with amendments agreed by the Committee.

4. CODE OF CONDUCT COMPLAINTS PROCESS AND CONFIDENTIALITY

The Constitution and Ethics Committee received a report in relation to Code of Conduct complaints and confidentiality.

The Interim Director of Law and Governance introduced the report and explained that the purpose behind the report was to see if the Committee wanted to introduce a requirement that all complaints that had been breached should be dealt with on a confidential basis. This would enable the information regarding a complaint be kept confidential until such time as they would be concluded.

The Constitution and Ethics Committee debated the report and in summary the key points raised and responses to questions included:

- It was difficult to envisage that all participants could behave in a confidential manner. It was difficult to see in practice how members of the public or the press could be confined to keeping the information confidential.
- The reputation of councillors was being damaged by not having any confidentiality within the complaints procedure. Due to the nature of social media and the press complaints could be broadcast before any decisions had been made, leading to the reputation of councillors being tarnished, even though at the end of the process they had been found not to have had done anything wrong.
- The current process allowed for a number of complaints to be made and for the press to be able to ask for the number of complaints made, that the Director of Law and Governance would have to release.
- Only the most serious of cases would go through for investigation, which might lead to a hearing. This process was to cover any complaints made, not just those that were deemed more serious.
- Councillors needed to be role models for behaviour, these standards had slipped recently and it was important that the Committee looked at these issues going forward.
- The inclusion of confidentiality might lead members of the public to perceive that things were being done in secret, instead of being open and transparent.
- Many local authorities kept a form of confidentiality in place after the old standards regime was scrapped. If the complaint was found against a member this would then be reported.
- This was a useful framework for councillors to abide by and understand how they would be treated if a complaint was made against them.
- It was not possible to place a 'gag' on members of the public once they had made a complaint, even though it was anticipated that if requested they would keep information confidential it was impossible to police this.
- There was a danger that this would be legally enforceable should any complaints be made about the process.
- This was not a constitutional change, merely a process note to go alongside the complaints procedure.
- There were a number of different sanctions that could be imposed. These were set down in common law and not statute as the Localism Act did not set out any sanctions apart from those to be applied to disclosable pecuniary interests, which were a criminal offence. Possible

sanctions included, training, mediation, issuing apologies or being banned from sitting on specific committees.

- Parish Councillors would be subjected to the same code of conduct and processes as City Councillors.

The Constitution and Ethics Committee considered and **RESOLVED** (5 for 1 against, 1 abstain) that:

1. All code of conduct complaints be subject to a requirement of confidentiality by all participants in the process until such time as the complaint case is concluded.
2. Where a conclusion has been reached that the code of conduct has not been breached or where the Monitoring Officer concludes, following an initial assessment of a complaint, that no further action needs to be taken that the identity of the councillor who is the subject of the complaint remains confidential unless that councillor wishes it to be made public.
3. Where a complaint has been informally resolved by agreement without the need for a formal investigation that the identity of the councillor who is the subject of the complaint and a summary of the complaint is reported back to the committee.
4. Where a conclusion has been reached that the code of conduct has been breached but that no hearing is necessary due to an agreed alternative resolution that the investigation report will be published when the case is reported back to the committee
5. Where a conclusion has been reached that the code of conduct has been breached and that alternative resolution is not appropriate/ possible that the investigation report will remain confidential until such time as the hearing into the complaint takes place, at which stage it will be published.

5. MEMBER OFFICER PROTOCOL - SHADOW CABINET

The Constitution and Ethics Committee received a report in relation to the Member Officer Protocol, in particular around the formation of the Shadow Cabinet.

The Interim Director of Law and Governance introduced the report and explained that the purpose behind the report was to seek the Committee's agreement over the Shadow Cabinet Protocol within the Member/Officer Protocol.

The Constitution and Ethics Committee debated the report and in summary the key points raised and responses to questions included:

- The Member/Officer Protocol needed a comprehensive review in terms of the wording and the relationship between Councillors and Officers.
- There were queries raised over whether a third party could setup a shadow cabinet if they so wished.

- It was agreed to change the wording to ‘Mirror those portfolio’s of the Cabinet.’
- It was only fair that the second largest party was able to form a shadow cabinet. This would provide a useful resource and challenging tool to the administration.
- This was a good way for opposition to learn and understand how the Council worked.

The Constitution and Ethics Committee considered and **RESOLVED** (5 for, 1 against, 1 abstain) to agree the updated Member/Officer Protocol to include a Shadow Cabinet.

6. **UPDATE ON ISSUES OF NATIONAL INTEREST - COMMITTEE ON STANDARDS IN PUBLIC LIFE**

The Constitution and Ethics Committee received a report in relation to updates on issues of national interest.

The Interim Director of Law and Governance introduced the report and explained that this report was brought to Committee for information on the Committee for Standards in Public Life and its recent consultation on local government standards. Once responses to the national consultation had been assessed this would be brought back to Committee later in the year.

The Constitution and Ethics Committee considered and **RESOLVED** (unanimously) to note the report.

7. **DISPENSATIONS GIVEN**

The Constitution and Ethics Committee considered and **RESOLVED** (unanimously) to note that there had been no dispensations given since May 2018.

8. **CODE OF CONDUCT COMPLAINTS RECEIVED SINCE MAY 2018**

The Constitution and Ethics Committee received a report in relation to current complaints that had been received by the Monitoring Officer since May 2018.

The Interim Director of Law and Governance introduced the report and explained that this report set out the current complaints that had been brought to the attention of the Monitoring Officer. The Committee were informed that there was a formal investigation underway relating to a city councillor. There had been no reports on complaints presented to the Audit Committee for a number of years, however this would now be a standing item on the Committee’s agenda. The report outlined the number of complaints received and the current situation on all of them.

The Constitution and Ethics Committee debated the report and in summary the key points raised and responses to questions included:

- All issues that were being looked at were reported within the document. There were no further cases at the current time.
- It was important that Ward Councillors were kept informed of any Parish Council complaints.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimously) to note the report.

9. **WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES**

The Constitution and Ethics Committee received a report in relation to the Committee's Work Programme for the Municipal Year 2018/19.

The Senior Democratic Services Officer introduced the report and outlined that due to the high volume of potential items that the Committee may need to consider that two additional dates be added to the Committee's calendar.

The Constitution and Ethics Committee debated the report and in summary the key points raised and responses to questions included:

- The date in October to be re-looked into due to party conferences.
- Members were welcome to suggest items to be included on the work programme going forward.
- Accountability of Councillors on Social media needed to be looked at and ensure that all Councillors were aware of the guidance and this to be re-circulated.

The Constitution and Ethics Committee considered and **RESOLVED** (unanimously) to:

1. Note and agree the Work Programme for the municipal year 2018/19
2. Agree that two additional dates of future meetings for the municipal year 2018/19 be added.

7:00pm – 8.36pm
Chairman

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 4
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Director Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Seaton, Cabinet Member Resources	
Contact Officer(s):	Fiona McMillan, Director Law and Governance and Monitoring Officer	Tel. 452321

COUNCIL MEETINGS - TIMINGS AND STANDING ORDERS

R E C O M M E N D A T I O N S	
FROM: Fiona McMillan, Director Law and Governance and Monitoring Officer	Deadline date: N/A
<p>That the Constitution and Ethics Committee recommend to Full Council to amend the Council's Standing Orders:</p> <ol style="list-style-type: none"> 1. To include a time limit on the debate of motions on notice to not exceed 30 minutes per motion and to reduce the entire time for motions on notice to two hours. 2. To reflect that questions at Council are to relate to broader council matters. Questions relating to Ward specific issues will receive a written response and be published as part of the minutes. 3. To include a 20 minute time limit allocated to Questions on Executive Decisions. 4. To allow Members to remain seated while addressing the Chairman. 4. To note that these changes will take effect at the following meeting. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee as part of the Committee's work programme for 2018/19 and as a request from the Interim Director of Law and Governance.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to seek approval from the Constitution and Ethics Committee to recommend to Full Council to alter the Council's Standing Orders or to keep the Standing Orders as current.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a

report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

4.1 Over the past two years a number of motions have not been able to be debated due to the guillotine of the meeting falling before all items have been discussed. This has resulted in potentially important areas for debate, affecting the citizens of Peterborough, to not be discussed in detail.

4.2 In order to preserve the flow of the meeting and ensure that all items are able to be discussed in a meeting, it is proposed to add the following time limits to debates on motions on notice:

- 30 minutes for each individual Motion on Notice
- 2 hours for debate of all Motions on Notice

This will allow for a far greater number of motions to be debated fully at Full Council meetings.

4.3 A number of other authorities have included within their Standing Orders a time limit for motions to be debated. These include:

South Cambridgeshire District Council	2 Hours in total for motions on notice, 30 minutes per motion
Brighton and Hove Council	Three largest parties maximum of 2 motions, any other group or individual member 1 motion per ordinary meeting of the Council
Adur and Worthing Council	Three largest parties maximum of 2 motions, any other group or individual member 1 motion per ordinary meeting of the Council
York City Council	No more than 5 motions can be submitted at an ordinary meeting
Croydon Council	A maximum of 2 Motions shall be debated at a Council Meeting. In the event that more than 2 motions are submitted, the Mayor shall have discretion to select 2 for debate and to determine the order in which they are taken.
Liverpool Council	6 motions per meeting from any members and 1 motion from the Mayor.
Preston City Council	Maximum of 3 motions per meeting.

4.4 Members can alter the proposed recommendations should a preferable option be presented by the Committee.

4.5 **Questions on Notice to Full Council and Executive Decisions:**

In order to help the business of the meeting run smoothly, it is suggested that questions asked orally at Full Council be limited to broader council matters. Any Ward specific matters would still receive a written response and be published as part of the minutes.

In addition to further help the running of the meeting it is suggested that questions relating to executive decisions be given a twenty minute time limit.

4.6 It should be noted that this matter was brought to the attention of the now defunct Governance Board, where it was agreed that this be reviewed at a later date.

4.7 It is important to note that these are the decisions of Members and that there is the option of doing nothing and keeping the current systems, whereby there are no time limits to either the questions on executive decisions or motions on notice.

4.8 **Remaining Seating While Addressing the Chairman**

Standing Orders currently require Members to stand when addressing the Mayor at a Full Council. Following a request from a Member and discussion at by Group Leader's, it is suggested that this be amended to allow Members to remain seating. It is considered that this may allow the microphone system to work more effectively.

5. **CONSULTATION**

5.1 The Constitution and Ethics Committee are the nominated consultees for recommending substantive changes to the Council's Constitution to Full Council.

6. **ANTICIPATED OUTCOMES OR IMPACT**

6.1 It is anticipated that a final report, should changes be agreed, will be presented to Full Council on 12 December 2018. Should Option A be agreed by the Committee it is anticipated that debates at meetings of Council will run more smoothly and that all motions submitted will be given a fair opportunity to be debated.

7. **REASON FOR THE RECOMMENDATION**

7.1 To enable a fuller debate on motions on notice at Full Council and to keep the business of the meeting flowing.

8. **ALTERNATIVE OPTIONS CONSIDERED**

8.1 To keep the Standing Orders as currently agreed. Although there are no implications from doing so there would remain the possibility that motions on notice are not debated fully at the meeting.

9. **IMPLICATIONS**

Financial Implications

9.1 None.

Legal Implications

9.2 None

Equalities Implications

9.3 None.

10. **BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Part 4 Section 1 of the Council Constitution (Standing Orders)

- Adur and Worthing Council Constitution
- Liverpool City Council Constitution
- South Cambridgeshire District Council Constitution
- Preston City Council Constitution
- Croydon Council Constitution
- York City Council Constitution
- Brighton and Hove Council Constitution

11. APPENDICES

11.1 Appendix 1 - Proposed track changes to the Council Standing Orders

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1. ANNUAL MEETING OF THE COUNCIL

1.1. Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

1.1.1 The Ceremonial Meeting (Mayor Making)

The Meeting will:

- i. elect a person to preside if the chair of Council (the Mayor) is not present;
- ii. elect the chair of Council (the Mayor);
- iii. elect the vice chair of Council (the Deputy Mayor); and
- iv. receive the retiring mayor's report.

1.1.2 The Business Meeting

The Meeting will:

- i. approve the minutes of the last meeting;
- ii. receive any announcements from the Mayor;
- iii. receive a report from the Returning Officer on the outcome of City Elections;
- iv. upon retirement of the previous Leader, which shall be at least once every four years, elect the Leader of the executive (the Cabinet)
- v. be notified by the Leader of the number of members to be appointed to the Cabinet, those Members' names and their intended portfolio of responsibilities;
- vi. appoint a licensing committee, a health and wellbeing board, at least one overview and scrutiny committee and such other committees as are required or the Council considers appropriate to deal with matters that are neither reserved to the Council nor are executive functions (as set out or will be set out in Part 3(2) of this Constitution). No member of the Executive will be allowed to be a member of a Scrutiny Committee or Commission;

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- vii. receive the Leader's scheme of delegation of executive functions (as set out at Part 3(3) of this Constitution);
 - viii. approve a programme of ordinary meetings of the Council for the year; and
 - ix. consider any business set out in the notice convening the meeting.
- 1.1.3 Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.
- 1.2. Selection of Councillors on Committees
- 1.2.1 At the annual (business) meeting, the council meeting will:
- i. decide which committees to establish for the municipal year;
 - ii. decide the size and terms of reference for those committees;
 - iii. decide the allocation of seats to political groups in accordance with the political balance requirements;
 - iv. receive nominations of councillors to serve on each committee and other authorities;
 - v. appoint to those committees, standing sub-committees and other authorities except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive; and
 - vi. appoint the Chairs and Vice-Chairs of all the Council's committees, other than those which the Council has decided should be appointed by the committee itself.
- 1.2.2 The Council may decide at subsequent meetings to dissolve committees, alter their terms of reference or to appoint new committees.
- 1.2.3 The Council shall always have the power to exercise any power delegated to a committee, sub-committee or an officer.

2. ORDINARY MEETINGS OF COUNCIL

- 2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

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- i. elect a person to preside if the Mayor and Deputy Mayor are not present;
- ii. approve the minutes of the last meeting;
- iii. receive any declarations of interest from members;
- iv. receive any announcements from the Mayor and Leader (which, with the exception of the Mayor, will normally be limited to five minutes), followed by any question on the announcement from a leader of an opposition group (which will normally be limited to one minute);
- v. receive questions from, and provide answers to, the public in accordance with Standing Order 15;
- vi. receive petitions from the public and Members in accordance with Standing Order 16;
- vii. consider petitions in accordance with the Council's petition scheme;
- viii. Receive questions from, and provide answers to, Members in accordance with Standing Order 17.2;
- ix. deal with any business from the last Council meeting;
- x. receive reports from the Cabinet for consideration, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and receive questions and answers on any of those reports;
- xi. receive any reports from the Council's committees and overview and scrutiny committees for consideration and receive questions and answers on any of those reports;
- xii. receive reports about and receive questions and answers on decisions made by members of the Cabinet since the last meeting of Council;
- xiii. receive any reports about and receive questions and answers on the business of joint arrangements and external organisations, including the Combined Authority;
- xiv. consider motions; and
- xv. consider any other business specified in the summons to the meeting.

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3. ORDINARY MEETINGS OF COUNCIL AND COMMITTEES

3.1 Business

Unless otherwise determined by statute, the Mayor/Chairman may vary the order of the agenda at his/her absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.

3.2 Urgency

The Mayor/Chairman may determine that an item of business that has not been open to public inspection, both as an item set out in the agenda and any accompanying published report, may be considered because he or she is of the opinion that, by reason of special circumstances, which shall be specified in the minutes, the item should be considered at the meeting as a matter of urgency.

4. EXTRAORDINARY MEETINGS AND VARIATIONS

4.1. Calling extraordinary meetings of Council

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor (or the Deputy mayor if the mayor is unable to act);
- (c) the Monitoring Officer; or
- (d) any five members of the Council if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.2 Calling an Extraordinary Meeting of a Committee or Sub-Committee

In the case of Committee meetings, the Chairman of a Committee or Sub-Committee can, in consultation with the political group representatives, call an extraordinary meeting of the Committee at any time. A special meeting will also be called if three Members of the Committee or Sub-Committee ask the Chief Executive in writing to call a meeting.

4.3 Business at an Extraordinary Meeting of Council or a Committee or Sub-Committee

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The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Mayor/Chairman may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

- 4.4 Variation to the meeting schedule, timings and cancellation of meetings
- 4.4.1 Variations to the meeting schedule will be determined by the Chairman after prior consultation with the Group representatives. The Mayor determines any variation to the Council schedule, in consultation with Group Leaders.
- 4.4.2 If there is disagreement about the timing of an additional meeting between the Chairman and Group representatives, the meeting will start at the normal time for meetings of that Committee as identified within the Annual Calendar of meetings approved by Council.
- 4.4.3 Any meeting may be cancelled if there is insufficient business to consider. This will be determined by the Chairman after prior consultation with the Group representatives. For Council, the Mayor will determine in consultation with Group Leaders.

5. PRIVATE MEETING TO NOMINATE THE MAYOR ELECT

- 5.1 The Chief Executive will invite Members to hold a private meeting each year to nominate the Mayor Elect. This meeting will usually be held in February or March. The notice of the meeting will not be published and the proceedings will have no legal effect.
- 5.2 There is a written protocol for the nomination of the Mayor Elect and this can be found within Part 5 Section 8 of the Council's Constitution.

6. APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES IN YEAR INCLUDING SUBSTITUTE MEMBERS

- 6.1 Appointment of Chair or Vice Chair in year vacancy

The Council may remove the Chairman or Vice-Chairman or they can resign. In the event that the Chairman or Vice-Chairman resigns or for some other reason becomes permanently incapacitated, the Council may appoint another Chairman or Vice-Chairman at its next meeting following the resignation or permanent incapacity and in the meantime the Committee may elect a temporary Chairman or Vice-Chairman until a new appointment is made by the Council. Unless otherwise stated in

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the Constitution, the Chair and Vice-Chair of a Committee or Sub-Committees shall be a Councillor.

6.2 Appointment of Members to Committees in year vacancy

If a vacancy arises on a Committee or Sub-Committee because a Member of a Committee or a Sub-Committee has resigned their seat by sending a written notice to the Chief Executive or because a Member has resigned, died or otherwise ceased to be a Member, the Chief Executive will appoint a Member to fill the vacancy if the relevant political group asks him or her to do so, in accordance with the seat allocations approved by Council under the Local Government and Housing Act 1989 and the Regulations made thereunder.

6.3 Substitute Members

6.3.1 Number

For each Committee or Sub-Committee, the Council may appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee, however the total number of substitutes made by a political group at a meeting may not exceed 50% of the political group's seat allocation on that committee.

6.3.2 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee when attending a meeting but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

6.3.3 Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the designated substitute;
- (b) where the ordinary member will be absent for the whole of the meeting; and
- (c) after notifying the monitoring officer by noon on the day of the meeting of the intended substitution.

6.3.4 When the ordinary member and a designated substitute are unable to attend a meeting, a nominated substitute member of the same group may attend the meeting after notifying the Monitoring Officer by 12 noon.

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7. ATTENDANCE AT COMMITTEES OR SUB-COMMITTEES

- 7.1 The Mayor and the political group leaders can join the debate at any meeting of a Committee but they cannot vote at them.
- 7.2 A Cabinet Member can attend any meeting of a Scrutiny Committee or Scrutiny Commission at which a report under their portfolio is being considered, Cabinet Members can also be invited to attend a Scrutiny Committee meeting at the request of the Committee. The Member will not be allowed to vote.
- 7.3 A Member who has moved a motion at a Council meeting which has been referred to any Committee or Sub-Committee will have notice of the meeting when the motion will be considered, at which they will be entitled to introduce the motion. The Member will not be allowed to vote.
- 7.4 A Committee or Sub-Committee can invite any member who is not a member of the Committee to attend and speak at any one of their meetings. The Member will not be allowed to vote.
- 7.5 Members representing wards in respect of which a report containing exempt or confidential information relates, can attend the meeting at which the report is considered, unless the Chief Executive or the Monitoring Officer advises that the report must remain confidential and it is not necessary for Members (other than Members of the Committee or Sub-Committee) to be at the meeting in order to carry out their duties as a ward member.

8. COMMITTEE AND SUB-COMMITTEE POWERS AND DUTIES AND DELEGATION TO COMMITTEES AND SUB-COMMITTEES

- 8.1 The Monitoring Officer is responsible for maintaining and updating the terms of reference of all the Council's Committees.
- 8.2 All Committees can appoint a sub-committee from within its own membership and can delegate any of their powers and duties to the sub-committees, subject to any conditions the Committee sets for the Sub-Committee.

9. WORKING PARTIES FOR COMMITTEES

- 9.1 Committees can only appoint working parties where it would not be appropriate to refer the matter to a Scrutiny Committee or Scrutiny Commission. The Committee will decide how many Members and officers working parties will have, and their terms of reference which will be time limited. A working party will not have any powers, but will make recommendations and a report to the Committee that appointed it.

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10. TIME AND PLACE OF MEETINGS

- 10.1 The time and place of meetings will be determined by the monitoring officer and notified in the summons.

11. NOTICE OF AND SUMMONS TO MEETINGS

- 11.1 The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Standing Orders (Procedure Rules). At least five clear days before a meeting, the monitoring officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted (the agenda) and will be accompanied by the relevant reports.

12. CHAIR OF MEETING

- 12.1 The person presiding at the meeting may exercise any power or duty of the Mayor/Chairman.

13. QUORUM

- 13.1 The quorum of a meeting of Council will be one quarter of the whole number of members.
- 13.2 The quorum of an appointed Committee or Sub-Committee will be more than half of the Members present, apart from the Employment Committee and the Appeals Committee (Service Issues), where the quorum will be three.
- 13.3 During any meeting if the Mayor/Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor/Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

14. DURATION OF MEETING

- 14.1 Meeting recess

The Mayor/Chairman will adjourn the meeting for a period of ten minutes at a convenient time after two hours.

- 14.2 Interruption of the meeting

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Where four hours have elapsed after the commencement of any Council meeting (and in the case of an Extraordinary meeting when two hours have elapsed since commencement of the meeting) the Mayor/Chairman shall interrupt the meeting and call for the vote immediately on the item under discussion. Any Member speaking must immediately cease doing so and sit down. The vote will be taken without further discussion. This rule will not apply to meetings of a quasi-judicial or regulatory nature.

14.3 Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with within the four hour period (or two hour period in the case of an Extraordinary meeting), they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way. This rule will not apply to meetings of a quasi-judicial or regulatory nature.

14.4 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

14.5 Motions which may be moved

During the process set out in Standing Order 14.2 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

14.6 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor/Chairman will declare the meeting closed.

15. POSTPONEMENT OR CANCELLATION OF MEETINGS

15.1 Postponement or cancellation of the meetings in extenuating circumstances

Once the proper officer has given notice and summons of a meeting, the meeting may be postponed or cancelled in extenuating circumstances. Any postponement or cancellation must be with the agreement of Mayor/Chairman and in consultation with Group Leaders/Group Representatives. Any meeting may be cancelled if there is insufficient business.

16. QUESTIONS BY THE PUBLIC AT MEETINGS OF COUNCIL

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16.1 General

16.1.1 Members of the public who are residents of the City may ask questions of Members of the Cabinet, the Chair of a Committee, the Chair of an Overview and Scrutiny Committee/Commission or a leader of a political group on the Council at meetings of the Council, other than the Annual Meeting and, except at the discretion of the Mayor, Extraordinary Meetings.

16.1.2 The total time allocated for Questions by the Public shall be limited to 30 minutes.

16.2 Order of questions

The order in which questions shall be presented to the meeting shall be determined by a draw for each section of the meeting. The draws shall be conducted by the monitoring officer (or senior officer appointed for this purpose). The draws may be attended by any Member of the Council by prior notice delivered in writing to the monitoring officer before the deadline for submission of questions.

16.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the monitoring officer no later than midday five working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put. Notice must be provided at this time of any accompanying preamble to be given when putting the question to Council.

16.4 Number of questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

16.5 Scope of questions

If the monitoring officer considers a question:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

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he or she will inform the Mayor who will then decide whether or not to reject the question.

16.6 Record of questions

The monitoring officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

16.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice. Three minutes are allowed for putting the question. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

16.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Standing Order 15.5 above. One minute is allowed for putting the supplementary question.

16.9 Answers

Three minutes are allowed for answering a question and two minutes are allowed for answering a supplementary question. Any question which cannot be dealt with, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

16.10 Reference of question to the Cabinet or a committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

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16.11 There are no speaking rights at committee meetings other than those laid out in the Planning Speaking Scheme, which is available to view within the Committees terms of reference at Part 3 Section 2 of the Constitution.

17. PETITIONS PRESENTED AT COUNCIL

17.1 Petitions may be presented to the Council. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Mayor will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion and in accordance with the Council's petition scheme, detailed in Part 5 Section 9 of the Constitution, unless a relevant item appears elsewhere on the Agenda.

18. QUESTIONS BY MEMBERS AT COUNCIL

18.1 On reports of Cabinet or Committees

At a meeting of the Council, other than the Annual Meeting, a Member of the Council may ask the Leader or the chair of a committee or any representative of the Council on the Combined Authority any question without notice upon an item of the report of the Cabinet or a committee or from the Combined Authority when that item is being received or under consideration by the Council.

18.2 Questions on notice at full Council

18.2.1 Subject to Standing Order 17.4, a member of the Council may ask:

- the Mayor;
- the Leader or member of the Cabinet;
- the chair of any committee or sub-committee; or
- any representative of the Council on the Combined Authority.

up to two questions on any matter in relation to which the Council has powers or duties or which affects the City and one question on any matter in relation to which the Combined Authority has powers or duties.

18.2.2 The total time allocated for Questions under this item shall be limited to 30 minutes for questions to the Mayor, Leader or member of the Cabinet, or the chair of any committee or sub-committee, and 15

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minutes for questions to any representatives of the Council on the Combined Authority.

18.3 Questions on notice at committees and sub-committees

Subject to Standing Order 17.4, a member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affect the City and which falls within the terms of reference of that committee or sub-committee.

18.4 Notice of questions

A member may only ask a question under Standing Order 17.2 or 17.3 if either:

- a) they have given at least five working days notice in writing of the question to the monitoring officer;
- b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the monitoring officer by noon on the day of the meeting;
- c) the question is not substantially the same as a question which has been put at a meeting of the Council in the past six months.

18.5 Response

An answer may take the form of:

- a) a direct oral answer of up to three minutes;
- b) by reference to published material of the Council which is readily available to Members; or
- c) where the reply cannot conveniently be given orally, a written answer will be circulated later to the questioner.

18.6 Supplementary question

Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the Member who put the question shall be allowed one supplementary question, of up to one minute, provided that it arises directly out of the original question or the reply and does not introduce any new subject matter.

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The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked will have up to two minutes to answer or may decline to answer.

18.7 Questions received should relate to broader matters that affect the Council. Any Ward specific questions will still receive a written response and be published in the minutes.

18.8 Questions on Executive Decisions

The time limit for any questions to be asked on previous executive decisions made since the last meeting shall be limited to thirty minutes.

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19. MOTIONS ON NOTICE

19.1 Notice

Except for motions which can be moved without notice under Standing Order 19, written notice of every motion, must be delivered to [the proper officer] by ten o'clock six clear working days before the date of the meeting (not including the day of the meeting). These will be entered in a book open to public inspection.

19.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting.

19.3 Scope

If the monitoring officer considers that a motion:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a motion which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

he or she will inform the Mayor who will then decide whether or not to reject the motion.

19.4 Time Limits

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Time limit A maximum period of thirty minutes shall be allowed for each Motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the thirty minute period, debate shall cease immediately, the mover of the original Motion will have the right of reply before the Motion or amendment is put to the vote.

20. MOTIONS WITHOUT NOTICE

20.1 The following motions may be moved without notice:

- a) to appoint a chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) that the meeting continue beyond 4 hours in duration (2 in the case of an extraordinary meeting);
- m) to suspend a particular standing order;
- n) to exclude the public and press in accordance with the Access to Information Standing Orders;
- o) to not hear further a member named under Standing Order 27.3 or to exclude them from the meeting Standing Order 27.4; and
- p) to give the consent of the Council where its consent is required by this Constitution.

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21. STANDING ORDERS OF DEBATE

21.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

21.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

21.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

21.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, statement of accuracy or point of order.

No speech may exceed five minutes by the mover of the motion or by three minutes in all other cases without the consent of the Mayor.

21.5 Budget Meetings

Rule 20.4 above, in respect of the length of speeches, shall not apply to a debate on the Budget where speeches shall not be subject to any time limit.

21.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;
- b) to move a further amendment if the motion has been amended since he or she last spoke;
- c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- d) in exercise of a right of reply;

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- e) on a point of order;
- f) by way of personal explanation and
- g) statement of accuracy.

21.7 Amendments to motions

- a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- b) Except in relation to motions that can be moved without notice under Standing Order 19, written notice of every intended amendment to a motion or to recommendations from Cabinet or the Council's committees:
 - (i) must be delivered to the monitoring officer in its initial form not later than noon two working days before the date of the meeting (not including the day of the meeting) at which the motion is to be considered; and
 - (ii) must be delivered to the monitoring officer in its intended final form not later than noon one working day before the date of the meeting (not including the day of the meeting) at which the motion is to be considered. If no withdrawal, confirmation or change is received by the monitoring officer, it will be assumed that the amendment is to be considered in its initial form.

No other amendment may be moved at the meeting except where the Mayor may permit, at his or her absolute discretion and to ensure the efficient or proper discharge of the Council's business, a further amendment or amendments to be moved.

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- c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- d) If an amendment is not carried, other amendments to the original motion may be moved.
- e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

21.8 Alteration of motion

- a) A member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

21.9 Withdrawal of motion

A member may withdraw a motion which he or she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

21.10 Right of reply

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has no right of reply to the debate on his or her amendment.

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21.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) that the meeting continue beyond 4 hours in duration (or two hours if an extraordinary meeting);
- g) to exclude the public and press in accordance with the Access to Information Standing Orders;
- h) to not hear further a member named under Standing Order 27.3 or to exclude them from the meeting under Standing Order 27.4; and
- i) that a specific standing order be suspended

21.12 Closure motions

- a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed he or she will give the

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mover of the original motion a right of reply before putting his/her motion to the vote.

- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

21.13 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Standing Orders or the law. The member must indicate the Standing Order or rule of law and the way in which he or she considers has been broken. The ruling of the Mayor on the matter will be final.

21.14 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

21.15 Statement of accuracy

A member may make a request to the Mayor to make a statement of accuracy at any time. If permitted, the statement will be limited to the accuracy of a fact cited by the member speaking and may not exceed thirty seconds. The ruling of the Mayor on the admissibility of a statement of accuracy will be final.

22. STATE OF THE CITY DEBATE BY COUNCIL

22.1 Calling of debate

The Leader may call a state of the City debate annually on a date and in a form to be agreed with the Mayor.

22.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the City debate.

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22.2 Chairing of debate

The debate will be chaired by the Mayor.

22.3 Results of debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

23. PREVIOUS DECISIONS AND MOTIONS

23.1 Motion to rescind a previous decision

A motion to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five members.

23.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

24. VOTING

24.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

24.2 Mayor's/Chairman's casting vote

If there are equal numbers of votes for and against, the Mayor/Chairman will have a second or casting vote. There will be no restriction on how the Mayor/Chairman chooses to exercise a casting vote.

24.3 Electronic Voting

For meetings of Full Council in the Council Chamber, voting will be by electronic voting. Should the electronic voting system be unavailable or

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breakdown, voting will revert to being undertaken by a show of hands as outlined in paragraph 23.4 below, unless a Recorded Vote is called for under 23.5. Other meetings in the Council Chamber may also choose to use electronic voting and should follow the same procedure.

Electronic voting will be undertaken by Members operating the individual control panel on their microphone sets which allows Members to vote 'yes', 'no', or 'abstain'.

The Council has adopted an Electronic Voting Procedure which will be followed at all times when using electronic voting. Individual voting results will be displayed on screens in the Chamber and a record will be subsequently published alongside the meeting minutes on the Council's website.

24.4 Show of hands

Unless a recorded vote is demanded under Standing Orders 23.4 and 23.5, the Mayor/Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

24.5 Recorded vote

If one quarter of members present and entitled to vote at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in writing by calling a roll and entered into the minutes.

24.6 Budget decision

At a budget decision meeting of the Council the names of the persons who cast a vote for the decision or against the decision or who abstained from voting will be recorded in writing or via the electronic voting system and entered into the minutes of the proceedings of that meeting

For the purposes of this Standing Order:

- (a) "budget decision" means a meeting of the Council at which it—
- (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
 - (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; and

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(b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

24.7 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

24.8 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

25. MINUTES

25.1 Signing the minutes

The Mayor/Chairman will sign the minutes of the proceedings at the next suitable meeting. The Mayor/Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

25.2 There is no requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

25.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

26. RECORD OF ATTENDANCE

26.1 All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

27. EXCLUSION OF PRESS AND PUBLIC

27.1 Members of the public and press may only be excluded either in accordance with the Access to Information Standing Orders in Part 4 of this Constitution or Standing Order 28 (Disturbance by Public).

28. MEMBERS' CONDUCT

28.1 Speaking and address system

When a member speaks at full Council they must ~~stand and~~ address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order, a point of personal explanation or a statement of accuracy. This rule will not apply to Committee or Sub-Committee meetings.

28.2 Mayor/Chairman

When the Mayor/Chairman speaks or stands during a debate or otherwise indicates that the meeting should come to order, any member speaking at the time must stop and sit down. The meeting must be silent.

28.3 Member not to be heard further

If a member persistently disregards the ruling of the Mayor/Chairman by behaving improperly or offensively or deliberately obstructs business, the Mayor/Chairman or another Member may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

28.4 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor/Chairman or another Member may move that either the Member leaves the meeting or that meeting is adjourned a specified period. If seconded, the motion will be voted on without discussion.

28.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor/Chairman may adjourn the meeting for as long as he or she thinks necessary.

27.6 Conflicts of Interest

Part 4, Section 1 – Council Standing Orders

Members of the Council are under a duty to base their decision making on a consideration of the public interest. Members must avoid conflict between personal interest and the public interest, declare any personal interest when it arises and resolve any conflict between the two interests, at once, and in favour of the public.

29. DISTURBANCE BY PUBLIC

29.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor/Chairman will warn the person concerned. If they continue to interrupt, the Mayor/Chairman will order their removal from the meeting room.

29.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor/Chairman may call for that part to be cleared.

30. SUSPENSION OF COUNCIL PROCEDURE STANDING ORDERS

30.1 Suspension

All of these Council Standing Orders of Procedure except Standing Order 23.5 and 24.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

31. PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS

31.1 Any member of the public may film, audio record, take photographs and use social media to report the proceedings of any meeting that is open to the public.

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CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 5
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member for Resources	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

PETITIONS SCHEME - MATTERS THAT CAN BE DEALT WITH

R E C O M M E N D A T I O N S	
FROM: <i>Director of Law and Governance</i>	Deadline date: <i>N/A</i>
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1) recommend to Council the adoption of the updated Petitions Scheme as set out in Appendix 1 to the report, 2) consider making a recommendation to Council to change the petition threshold levels for Council, Cabinet and Scrutiny debate, 3) consider the impact of Purdah on the debate of petitions at council, cabinet or scrutiny committee meetings and time critical petitions. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Interim Director of Law and Governance and Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to set out proposed amendments to the Petitions Scheme to restrict the remit of petitions that would be accepted under the scheme. This will ensure that all petitions received and considered by officers and/or Members cover areas in which the Council has the ability to take action and will avoid any debate that cannot be acted upon.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1, 'Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.'

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

4.1 The Local Democracy, Economic Development and Construction Act 2009 introduced a statutory duty for local authorities to adopt a scheme setting out how it would manage and respond to petitions and also required local authorities to set up facilities for e-petitions. This was supported by statutory guidance which set out a model petition scheme and required council to set thresholds for triggering a full council debate.

4.2 The Local Authorities (Petitions)(England) Order 2010 stipulated that the maximum threshold which can be set is 5 percent of the local population. The maximum figure should be calculated using the estimate of the population of the area of the authority contained in the Office of National Statistics population estimates for England and Wales. In 2017 the population estimate for Peterborough was 198,914 and 5% of this is 9,945.7. However the statutory guidance stated that *“we expect that in most cases a much lower figure will be considered locally appropriate.”*. The model scheme given was based on an authority with a population of 150,000 and it stated that if a petition contains more than 1500 signatures it will be debated by the full council. It required 750 signatures for a debate at scrutiny committee and it also said that a petition should be debated for a maximum of 15 minutes at full council plus five minutes for the petitioner to speak.

4.3 Chapter 10 of the Localism Act 2011 repealed this part of the 2009 Act and specifically removed the following requirements:

- the need for the Council to make a scheme for the handling of petitions
- the need for the Council to be able to accept petitions electronically
- the need for the Council to comply with its own petition scheme
- the need to publish the Council’s petition scheme on its website
- the need to acknowledge petitioners, tell petitioners what we intend to do with their petitions or place their petitions on the website
- the need for the Council to do one of the list of required steps when considering a petition
- the need for thresholds to determine how to process petitions, for those thresholds to be reasonable and the requirement for petitions reaching those thresholds to be debated at Council and or Overview and Scrutiny
- the power of review by the Secretary of State
- the specified reasons for the rejection of a petition

4.4 Therefore the Council has the discretion to manage petitions in any way it considers appropriate, including having no provision at all. However, in order to maintain good governance and strengthen public trust and confidence councils have generally continued to retain petition schemes.

4.5 The Council’s Petition Scheme sets out the criteria the any petition has to meet in order to be valid for submission to the Council. At current, these are:

- Clearly state the concern or problem to be addressed.
- Clearly state what the Council is being asked to do.
- State who the lead petitioner is and include their contact details.
- Must not concern a planning or licensing application.
- Must not be similar to, or a duplicate of a petition submitted within the previous 12 months.
- Contain at least 20 names, address and signatures of people living, working or studying in the area.

4.6 The Scheme also sets out the cases where a petition would be disqualified, as follows:

- Abusive.
- Vexatious (intending to cause only annoyance, frustration or worry).
- Presented for the purpose of making mischief.
- Otherwise inappropriate.

4.7 In 2018 a number of petitions have been submitted that have been eligible for debate at either Council or Full Cabinet. It was considered that several petitions received requested action that was either not within the Council's power, or related to matters where there was no course for appealing a decision.

4.8 As such, research was undertaken by officers into the Petitions Schemes of a number of other local authorities. Each of the six authorities that were reviewed included a requirement in their scheme that petitions be limited to areas with the Council's remit or that directly affect inhabitants.

Therefore, it is recommended that the below wording is added in the Council's Petitions Scheme.

4.9

Additional petition criteria:

- Must be relevant to a function that the Council has a responsibility for and/or directly affects Peterborough inhabitants.

Additional disqualification criteria:

- Relates to a function the Council is not responsible for and/or could not influence.

It is also suggested, however, that a further criteria be added for those petitions that are eligible for debate at Scrutiny Committee, Cabinet, or Full Council. This being that:

"7.8 Any petition to be debated at a Scrutiny Committee, Cabinet or Full Council meeting must relate to a matter on which the Council can take action, to be determined by the Monitoring Officer."

All proposals are set out within **Appendix 1**.

Threshold Levels

4.10 The current threshold levels for petition debate at Peterborough are 50 valid signatures to trigger a debate at Cabinet or Scrutiny Committee, and 500 valid signature to trigger a debate at Full Council. There is currently a 45 minute time limit on the discussion of an individual petition.

4.11 For comparison, the threshold level for a number of other authorities are set out below:

- Central Bedfordshire Council - 600 for debate at Scrutiny, 1,250 for debate at Council
- Elmbridge Borough Council - 50 for debate at Cabinet, 2,600 for debate at Scrutiny, 3,900 for debate at Council
- Swale Borough Council - 500 for debate at Cabinet, 1,500 for debate at Council
- Milton Keynes Council - 1,000 for debate at Council
- Swindon Borough Council - 1,500 for debate at Council
- Huntingdonshire District Council - 500 for debate at Council
- East Northamptonshire Council - 4,000 for debate at Council
- Medway Council - 2% (4,000) for debate at Scrutiny or Cabinet, 5% (10,000) for debate at Council

4.12 Should the Committee wish to make a recommendation to amend the threshold level for Peterborough City Council, this would be considered by Full Council.

Impact of Purdah

At the meeting of Full Council on 17 October 2018 it was requested that the Constitution and Ethics Committee consider and discuss the impact of Purdah on the debate of petitions and how

time critical petitions may be dealt with.

The recent petition regarding the Manor closure raised concerns over the length of time taken from the submission of the petition on 7th March (confirmed by the petitioner for debate at full council on 26 April) until it was debated at full council in October. The May council meeting is annual council and is largely a ceremonial meeting with no substantive business. The petition was due to go to the July council meeting but once a by-election was called it fell with the pre-election "purdah" period. In accordance with the Local Government Act 1986, the Code of Practice on local authority publicity, and LGA guidance, councils must *'ensure that any published information by them during the Purdah period should not contain controversial material that might form part of political campaigning during the pre-election period.'* The guidance also says: *'Do not publish any publicity on controversial issues or report views on proposals in a way which identifies them with individual councillors or groups of councillors.'* and that *'You should not: produce publicity on matters which are politically controversial'*. This is because there is a risk they will impact on public opinion for or against any political party. Publicity is defined very widely as *"any communication, in whatever form, addressed to the public at large or to a section of the public"*. As well as covering the more obvious forms such as press releases, speeches, leaflets and newspaper articles issued by or on behalf of the Council, it can include sponsorship and council meetings.

The Council's current petition scheme specifically states that *"3.6 During the period before an election or referendum, known as Purdah, it could be necessary for a petition to be dealt with differently. Should this happen a full explanation will be given including any anticipated timescales."* In this case officers considered that it was necessary to consider this petition differently because of its sensitive political nature and therefore it was deferred to the next Council meeting in October.

It is suggested that the Committee consider any changes they may want to recommend to the Petitions Scheme in light of this discussion.

5. CONSULTATION

- 5.1 Consultation has been undertaken with relevant internal officers prior to the proposals being submitted to the Committee for consideration and debate.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that amending the Petitions Scheme as recommended would ensure that only petitions that requested action the Council could in fact take were discussed. This would, therefore, mean that the Petitions Scheme was of greater value and more effective.

7. REASON FOR THE RECOMMENDATION

- 7.1 To align Peterborough City Council's Petition Scheme with other local authority petition schemes. The recommendation would also ensure that all petitions received and considered by officers and/or Members covered areas in which the Council has the ability to take action and would avoid any debate that could not be acted upon.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 To make no changes. This option was dismissed as a recommendation as to maintain the status quo would continue to provide for petition debates in which no possible action could be taken by the Council.

9. IMPLICATIONS

Financial Implications

- 9.1 There are no financial implications arising from this report.

Legal Implications

9.2 There are no legal implications arising from this report.

Equalities Implications

9.3 There are no equalities implications arising from this report.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- Central Bedfordshire Council Constitution
- Elmbridge Borough Council Constitution
- Oxfordshire County Council Constitution
- Guildford Borough Council Constitution
- Essex County Council Petitions Policy
- Brighton and Hove City Council Constitution

11. APPENDICES

11.1 Appendix 1 - Petitions Scheme

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Petition Scheme

Peterborough City Council

Part 5 Section 9 – The Petition Scheme

1. Introduction

- 1.1 Peterborough City Council is always interested in feedback on our services and ideas for improvement.
- 1.2 There are local public consultations into matters affecting our city and details can be found on our website <https://www.peterborough.gov.uk/council/consultations/>.
- 1.3 Our public meetings are published on our website at <https://www.peterborough.gov.uk/council/council-meetings/> and displayed in the noticeboards outside the Town Hall and Bayard Place. Please contact Democratic Services on 01733 747474 or email democratic.services@peterborough.gov.uk for further information.
- 1.4 Often a telephone call or email is all it takes to get a matter investigated and our Customer Services Team can be contacted on 01733 747474 or by email at customer.services@peterborough.gov.uk. Your enquiry will be directed to the relevant department. They will listen to your concerns or suggestions, try to resolve them and explain the current situation. This will achieve the fastest response.
- 1.5 A petition to the council should only be considered when all other avenues have been exhausted. This section of the constitution sets out what makes a valid petition, how to get the petition to the Council and what the Council will do once a petition is received.

2. Petitions that Cannot be Dealt with Through this Scheme – Planning and Licensing Decisions

- 2.1 The following matters are excluded from this petition scheme:
- Any matter relating to a planning decision, including a development plan document or community infrastructure levy (a new local levy that authorities can choose to introduce to help fund infrastructure in their area.)
 - Any matter relating to an alcohol, gambling or sex establishment licensing decision.*

* A 'Licensing Decision' is:

- Any decision in relation to an application for the grant, variation or review of any authorisation under Part 3 or 4 of the Licensing Act 2003 (premises licences and club premises licences) or any hearing or appeal in respect of any such application.
- Any decision in relation to the application for the grant, renewal or transfer of a licence under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments), a request for the variation of any term, condition or restriction contained in such a licence or the revocation of such a licence.
- Any decision in relation to any application for a licence, permit or registration under the Gambling Act 2005, a request for a variation of any term, condition

or restriction associated with any such licence, permit or registration or the revocation of any such licence, permit or registration.

2.2 However, a petition that alleges a systematic failure to deliver services in the above areas is within the scope of this scheme (e.g. while a petition on an individual planning application could not be taken, a petition about the Council's failure to deliver an effective service for planning applications would be within the scope of this scheme).

2.3 Comments and inquiries on licensing and planning applications including appeals should be made to licensing@peterborough.gov.uk and planningcontrol@peterborough.gov.uk respectively or by telephone to 01733 747474 and asking for either the Licensing or Planning Department.

3. Guidelines for Preparing a Petition

3.1 To qualify as a petition the submission must meet certain criteria. The petition must:

- Clearly state the concern or problem to be addressed.
- Clearly state what the Council is being asked to do.
- Must be relevant to a function that the Council has a responsibility for and/or directly affects Peterborough inhabitants.
- State who the lead petitioner is and include their contact details.
- Must not concern a planning or licensing application.
- Must not be similar to, or a duplicate of a petition submitted within the previous 12 months. Past petitions can be viewed on our website <https://www.peterborough.gov.uk/council/consultations/petitions/>.
- Contain at least 20 names, address and signatures of people living, working or studying in the area.

3.2 If the petition does not contain 20 signatures it can still be considered if the issue relates to a small local area and is signed by the majority of people affected. Further information is available from Democratic Services, Town Hall, Bridge Street, Peterborough PE1 1HG 01733 747474 or by emailing petitions@peterborough.gov.uk

3.3 The address given by those signing the petition must be within the Peterborough City Council area. People who work or study in Peterborough and are affected by the subject of the petition must use the address of their place of work or study to be counted. Email address are also required for online petitions. More information on e-petitions submitted online via the Peterborough City Council website can be found in section 4.

3.4 Petitions will not be considered if they are:

- Abusive.
- Vexatious (intending to cause only annoyance, frustration or worry)
- Presented for the purpose of making mischief.
- Relates to a function the Council is not responsible for and/or could not influence.
- Otherwise inappropriate.

3.5 Reasons for rejection will be given to the lead petitioner in writing or by email where possible.

- 3.6 During the period before an election or referendum, known as Purdah, it could be necessary for a petition to be dealt with differently. Should this happen a full explanation will be given including any anticipated timescales.

4. E-petitions

- 4.1 Online petitions are the easiest way to submit a petition and can be created online via our website using the link:
<https://www.peterborough.gov.uk/council/consultations/petitions/>.
- 4.2 The petition organiser will need to register using their own name, address and email address.
- 4.3 The petition must give a clear indication of the issue and the action required by the Council and comply with the petitions criteria set out in item 3.
- 4.4 The lead petitioner will decide how long the petition will remain open and available for signature.
- 4.5 The petition will be published on the Council website within five working days.
- 4.6 Should the petition not be suitable for publication the Council will contact the lead petitioner and will give advice on how the petition could be adapted and re-submitted. If the petition is not re-submitted within ten days the details will appear on our website and the status classified as “Rejected” or “Invalid”.
- 4.7 Once an e-petition has closed for signature Democratic Services will automatically be notified. There is no need for the lead petitioner to contact them separately.
- 4.8 E-petitions are signed by visiting our website <https://www.peterborough.gov.uk/council/consultations/petitions/> where current e-petitions are available to sign online. A name, postcode and email address will be required and an email will be sent to the email address given to complete the process. It is important the information given is accurate.

Caution: there are some online petitions which will not be accepted by this Council as they do not comply with the terms of our scheme. If you are in any doubt and require advice please contact us at petitions@peterborough.gov.uk or 01733 747474 and ask for Democratic Services and we will be happy to help.

5. Paper Petitions

- 5.1 Petitions can be collected on paper and a template is included at Appendix 1. Using the template will ensure all relevant information is included.

6. Delivering a Petition to the Council

- 6.1 E-petitions created through our website are automatically sent to us once the time limit set for the petition has expired and there is no need for you to take further action at this stage as we will contact you within 5 days of the petition closing.
- 6.2 A paper petition can be presented to the Council in several ways:
- It could be delivered by post to Democratic Services, Town Hall, Bridge Street, Peterborough PE1 1HG.
 - It could be handed in at the Town Hall.
 - It could be handed to a Councillor.
The contact details of all Councillors can be found on our website at: <http://democracy.peterborough.gov.uk/mgMemberIndex.aspx?bcr=1>
 - It could be emailed to petitions@peterborough.gov.uk.
 - It could be delivered in person at a meeting of the Full Council or Cabinet. *Dates of the Council meetings are on the Council's website and displayed on the notice boards outside the Town Hall and Bayard Place. Council meetings take place approximately every six weeks. Details can be found at <http://democracy.peterborough.gov.uk/ieDocHome.aspx?bcr=1>. Democratic Services must be informed 10 working days before the meeting of your intention to present a petition. Full details must be received in writing or by email to petitions@peterborough.gov.uk by 12:00 noon on the working day before the meeting.*
- 6.3 If delivered a meeting the lead petitioner can present the petition themselves or ask someone else, such as a Councillor, to do so on their behalf. An officer in Democratic Services will be available to talk through the process beforehand.
- 6.4 The lead petitioner or their representative will have one minute to present the petition to the Council. The petition will be received without comment.

7. What Will the Council do when a Petition is Received?

- 7.1 An acknowledgment will be sent to the lead petitioner by letter or email within five working days of receipt. This will provide details of what we intend to do with the petition and when further information can be expected.
- 7.2 If the petition does not comply with the criteria set out in section 3 and the Council is unable to proceed, an explanation will be given in the acknowledgment letter. The petition will be published on the website with the status "Invalid" or "Rejected" together with a copy of the letter to the lead petitioner explaining why this decision has been taken.
- 7.3 The petition will be published on the Council's website unless it is inappropriate to do so.

- 7.4 A response will be provided to the lead petitioner within 15 working days of the acknowledgment being sent and a copy will be published on our website.
- 7.5 A petition containing over 50 validated signatures will be eligible for submission to the Cabinet or Scrutiny Committee alongside or in advance of the business the petition is seeking to influence. This option will be offered after the response letter is received as it might not be necessary if the Council is able to comply fully with the wishes of the petitioners.
- 7.6 A petition containing over 500 validated signatures will be eligible to be discussed at a meeting of the Full Council, Cabinet or Scrutiny Committee. This option will be offered after the response is received as it might not be necessary if the Council is able to comply fully with the wishes of the petitioners.
- 7.7 The lead petitioner will be contacted after the response has been sent and asked if they wish to take one of these options.
- 7.8 Any petition to be debated at a Scrutiny Committee, Cabinet or Full Council meeting must relate to a matter on which the Council can take action, to be determined by the Monitoring Officer.

8. Full Council Debates

- 8.1 If a petition contains more than 500 signatures from people who live, work or study in the Peterborough area, it is eligible for debate at a meeting of the Full Council. If the lead petitioner chooses this option the petition will be discussed at the next Council meeting. The following protocol will apply:
- 8.2 The Mayor will lead the debate. There is a 45 minutes time limit on the discussion of an individual petition. At the end of this period Council will move immediately to the remaining votes without debate.
- 8.3 The lead petitioner, or their representative, will have five minutes to present their petition to the meeting to begin the debate. Times are strictly controlled and it is recommended to have a speech prepared in advance to ensure all relevant points are expressed.
- 8.4 The relevant Cabinet Member will be offered the opportunity to propose a course of action (propose a motion) which could be one of the following:
- To take the action requested in the petition if it is possible to do so.
 - To refer the petition to either Cabinet, a Cabinet Member or the relevant Scrutiny Committee for consideration having regards to the comments made in the debate.
 - To note the petition and comments but take no action for the reasons given in the debate.
- 8.5 The Mayor will ask for a seconder for the proposed motion.

- 8.6 The Mayor will then ask if there is an alternative course of action and each proposed alternative will need to be seconded.
- 8.7 All proposals must be provided in advance by Members to Democratic Services by 12noon on the day before the meeting.
- 8.8 Members will then debate the first proposal moved by the Cabinet Member, following the normal rules of debate.
- 8.9 When the debate has finished the Mayor will offer the lead petitioner, or their representative, the “right of reply”. They can respond to any matters raised, speaking for up to three minutes.
- 8.10 The Mayor will then offer the “right to reply” to the relevant Cabinet Member.
- 8.11 If only one motion has been proposed and seconded the Mayor will call for a vote on that motion which can be either carried or defeated.
- 8.12 When more than one motion has been proposed and seconded, the Mayor will only move on to the debate for subsequent motions if the first motion is defeated in the vote. Each subsequent motion will be debated in the format set out above and voted on in turn until a motion is carried and an outcome achieved.
- 8.13 If no proposals are agreed, the Mayor will move that the petition be noted.
- 8.14 The lead petitioner will be notified of the outcome of the debate in writing or by email within five working days.

9. Outcome

- 9.1 The lead petitioner will receive a written response by letter or email confirming the action the Council intends to take with a full explanation.
- 9.2 The Council’s website will be updated to indicate that a decision has been taken and the petition status will be updated to reflect this.
- 9.3 A copy of the response will be published on the council website.

Further information about the Council, its services and meetings are available on our website at www.peterborough.gov.uk

**Appendix 1
Peterborough City Council Petitions Scheme Template**

Those signing this petition must live, work, or study in the Peterborough area to be validated as a signatory. Those living outside the area can also sign the petition and will be taken into consideration but will not be counted. Further details can be found on the Peterborough City Council website

<https://www.peterborough.gov.uk/council/consultations/petitions/>

Petition Subject:
By signing this form we ask that the Council take the following action:
Lead petitioner (who must live, work or study in Peterborough) Name: Address: Telephone number: Email address:

	Name	Address	Signature
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CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 6
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Seaton, Cabinet Member for Resources	
Contact Officer(s):	Fiona McMillan, Director of Law and Governance and Monitoring Officer	Tel. 452361

TRANSFER OF DELEGATED RESPONSIBILITY FOR THE COUNCIL'S WHISTLEBLOWING POLICY

R E C O M M E N D A T I O N S

FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer	Deadline date: N/A
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It is recommended that the Constitution and Ethics Committee recommend to Full Council that the constitution is amended to pass the delegated responsibility for the council's whistleblowing policy and oversight from the Constitution & Ethics Committee to the Council's Audit Committee.

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to Consider the transfer of its current constitutional responsibility for the council's whistleblowing policy to the council's Audit Committee.

2.2 This report is for the Constitution & Ethics Committee to consider under its Terms of Reference No. 2.7.2.4

Authority to approve any changes regarding the Council's Whistle-Blowing policy and arrangements.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

4.1 There is currently an overlap in the Council's constitution regarding responsibility for whistleblowing reports and oversights of the whistleblowing policy.

4.2 The Constitution and Ethics Committee has '**Authority to approve any changes regarding the Council's Whistle-Blowing policy and arrangements**' (Part 3, section 2.7.2.4 of the constitution) whilst the Audit Committee's delegated authority includes (Part 3, section 2.2.2.13) '**To monitor council policies on "raising concerns at work" and anti-fraud and anti-corruption policies, including the Council's complaints process**'.

4.3 The Council's current Whistle-Blowing policy was last updated in January 2017 and is reported upon annually by the Audit Committee as part of the Annual Fraud and Investigations report. This falls as part of the remit for the Chief Internal Auditor and the directorate of Acting Director Corporate Resources.

4.4 It appears there is an overlap between the remit of two committees on 'raising concerns at work' and 'whistleblowing'. It would be logical for any reports to be presented to the Audit Committee instead of Constitution & Ethics Committee. This will reflect the new policy and procedures and the current working practice and avoid an overlap of roles in future. This also the policy followed at Cambridgeshire County Council.

5. CONSULTATION

5.1 Consultation with the Chairman of the Audit Committee has taken place to inform him of the suggested approach.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 That the streamlining of reporting will be simplified and reporting will be presented to the correct forum.

7. REASON FOR THE RECOMMENDATION

7.1 If the Committee is in agreement the recommendation is to delete the delegated authority in Part 3, Section 2.7.2.4 Responsibility for Functions in the constitution relating to the Constitution and Ethics Committee's in relation to "Authority to remove any changes regarding the Council's Whistle-blowing policy and arrangements".

7.2 The delegation can then be added to the delegated authority for Audit Committee in Part 3, Section 2.2.2 after "to monitor council policies on "raising concerns at work".

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 The alternative would be to keep the Whistle-blowing policy as part of the remit of the Constitution & Ethics Committee, however this would likely result in an overlap of reporting on the policy.

9. IMPLICATIONS

Financial Implications

9.1 None.

Legal Implications

9.2 Although there is no legal impact, the policy will be presented to a more appropriate Committee going forward.

Equalities Implications

9.3 None

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Cambridgeshire County Council Constitution

11. APPENDICES

11.1 None

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CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 7
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Cllr David Seaton - Cabinet Member for Resources	
Contact Officer(s):	Rachel Edwards, Head of Constitutional Services	Tel. 452277

CIVIC PROTOCOL - UPDATES

R E C O M M E N D A T I O N S	
FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer	Deadline date: N/A
It is recommended that the Constitution and Ethics Committee agree to recommend to Full Council the updated Civic Protocols as attached at Appendix 1 .	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a request from the Director of Law and Governance and Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to update the existing Civic Protocol (attached at **Appendix 1**) to bring it in line with other updates to existing codes of practice and changes to the Council's constitution.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
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4. BACKGROUND AND KEY ISSUES

4.1 The Civic Protocol was last updated in 2010, it is therefore appropriate to undertake a review in order to bring the Protocol up to date.

4.2 As part of the drive to modernise and make the Constitution more easily understandable for Members and the Public the Civic Protocol is deemed in need of review.

5. CONSULTATION

5.1 The Mayors Office and Head of Constitutional Services have been notified.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 The Committee will recommend to Full Council to adopt the updated Civic Protocol.

7. REASON FOR THE RECOMMENDATION

7.1 To ensure that the Civic Protocol is up-to-date.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 Do nothing but that would leave the Protocol in an outdated format.

9. IMPLICATIONS

Financial Implications

9.1 None

Legal Implications

9.2 None

Equalities Implications

9.3 None

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Council's Constitution.

11. APPENDICES

11.1 Appendix 1 - Part 5, Section 6 Council Constitution



Peterborough City Council
Civic Protocol

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Contents

Section

- 1 The importance of the Council's mayoralty and civic service
- 2 The Mayor's statutory role
- 3 The Mayor's civic role
- 4 How the Mayor is appointed
- 5 The Mayoress or Consort
- 6 The Deputy Mayor and Deputy Mayoress or Consort
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Civic Protocol

1. The importance of the Council's mayoralty and civic service

1.1 Peterborough City Council plays an important part in providing community leadership. The City Council recognises two key aspects to this: political leadership is provided through the Leader of the Council and other Cabinet Members who together form the Executive; while civic leadership is focussed upon the mayoralty, provided through the Council's civic service.

1.2 As Peterborough's 'first citizen', the Mayor acts as ambassador for the City Council, and also for Peterborough itself on the wider regional, national and international stage. By being an impartial figure, he or she can represent the whole community, regardless of differences. The Mayor can visit communities and business interests both in Peterborough and farther afield, representing the Council and the City, and he or she can also welcome delegates and visitors to the City Council on the community's behalf.

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1.3 The civic function provides an element of continuity in the community, even though the incumbent of the mayoralty may ~~change~~changes annually. It can act as a focal point for community celebrations and pride and also commemorations and shared sorrow. Civic events and hospitality are an important part of community life, enhancing its social fabric and helping to attract confidence in the City ~~as the place to be in the Eastern region~~—which brings benefits in terms of inward investment. The Council's ~~Civic~~Mayoral Services Team usually reviews with the Mayor ~~and~~ Chief Executive ~~and~~ Head of Constitutional Services annually, the content of the Council's civic programme to ensure that it retains its important traditions and continuity, while also adapting where appropriate so that it remains attractive and relevant to the community.

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2 The Mayor's statutory role

2.1 The primary duty of the Mayor is to act as chairman of Peterborough City Council and thus preside over meetings of the Council, in accordance with the Local Government Act 1972 which states:

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s3(i) - "The chairman (mayor) of a principal council shall be elected annually by the Council from among the councillors";

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s4(i) - "The election of the chairman (mayor) shall be the first business transacted at the annual meeting of a principal council".

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2.2 As chairman of Council, the Mayor's role is to ensure proper conduct of the Council meeting in compliance with the law and the Council's procedural rules for meetings. He or she is also required to:

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- determine whether urgent items may be considered at a Council meeting without prior notice;
- determine whether or not to call an extraordinary meeting of Council; and exercise, if they wish to, a second or 'casting vote' at Council in the event of an equal vote upon any issue.

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2.3 The Mayor is advised, in this function, by the ~~Solicitor to the Council and the~~ Chief Executive ~~or~~ Director of Legal and Governance and the Head of Constitutional Services.

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2.4 The Mayor is expected during their term of office to remain politically impartial. Councillors will support the Mayor in this, and respect his or her neutral position.

3 The Mayor's civic role

3.1 In fulfilling the role of Peterborough's first citizen, the Mayor is expected to speak and act for all of the diverse communities represented in Peterborough.

3.2 The Mayor will usually lead each of the civic events in the Council's annual programme. He or she also attends all events, wherever possible, to which the Council has been invited to send a civic representative. In particular, priority will be given to events involving the Lord-Lieutenant and those arranged by nearby local authorities to which the Council is invited to send a civic representative. the Council's key priorities is on supporting communities and promoting the City rather than merely attending other authorities "chain-gang" events. Where it is not possible for the Mayor to attend such an event, the Deputy Mayor will attend in his or her place. When considering attendance, the Mayor and Mayor's Officer Mayoral Services Manager will balance civic priorities against the need to honour prior engagements where possible.

3.3 When the Council requires a leading figure to be present at an event which it has organised in connection with the services which it delivers within the community – such as to open a new service or a festival – the Mayor will usually be invited to fulfil that role. If this is not possible, the Deputy Mayor will be invited. Where events are community-based, the officers arranging the event will usually invite ward councillors to attend. This would typically be undertaken by the organisers of the event not Mayoral Services.

3.4 If the Mayor accepts an invitation to attend a function in another local authority, it is courtesy to seek the consent of the Mayor or Chairman of that local authority if the invitation did not come from their civic office and to request permission for the wearing of chains at the event.

3.5 The Mayor is frequently invited to attend events in the community, such as openings and fund-raising events organised by voluntary organisations. There are also invitations to attend lectures, social events and so forth. Where possible the Mayor or Deputy will attend. However, the mayoral calendar is busy and this will not always be possible. The Mayor will, in deciding whether or not to accept an invitation, give priority to events described at section 3.2 above, and to those which promote Peterborough. He or she will also have regard to advice from the Mayor's Officer Mayoral Services Manager and to the date order in which invitations are received into the Mayor's Mayoral Office.

3.6 Once the Mayor is elected, he or she will discuss with the Civic Team Mayoral Services Manager and Head of Constitutional Services the coming year to plan ahead for civic events. The Mayor may also meet the Council's Corporate Management Team for the same purpose. He or she, and will take officers' advice about any issues or events arising that year which would particularly benefit from the Mayor's involvement, and it is usual for the Mayor to select one or more themes which they would like to focus upon during their mayoral year. These discussions will guide officers in identifying those events which the Mayor should participate in, and also help the Mayor and Mayor's Officer Mayoral Services Manager to assess which external invitations the Mayor should accept.

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3.7 ~~Where neither~~ ~~In addition to~~ the Mayor or Deputy Mayor ~~are able to attend~~ attending an event, ~~the organisers may be asked if the Council should be represented by another leading councillor or a chief officer.~~ ~~In such cases, the Leader of the Council, relevant~~ ~~it is also noted that other~~ Cabinet Member, Chief ~~Officer, Leader of the Council or Chief Executive~~ ~~or relevant Director may have been invited by the organisers of the event,~~ ~~and in some cases,~~ may be asked to ~~take their place~~ deliver speeches.

3.8 The Council's role in extending civic hospitality is described at section 11 below.

4. How the Mayor is appointed

4.1 The procedural rules set out in the Council's Constitution, governing the conduct of Council business, describe the procedure for identifying a 'Mayor-Elect' each year, to allow the person selected sufficient time to make adequate preparations for the year of office well in advance of actual election at the Annual Council Meeting. Councillors remain after the closure of a Council meeting early each New Year, for a private meeting of all members. The usual practice is for the Chief Executive to facilitate the meeting by inviting councillors to propose a candidate. This is usually done with a short speech, and duly seconded. Any further nominations are made in the same manner. The Chief Executive then invites councillors to vote for each candidate in turn. Thus the candidate most likely to receive Council's formal support at the Annual Council Meeting is identified, but the resulting nomination has no official status, no minutes are taken and the result is not binding upon the Annual Meeting.

4.2 ~~Prior to 1974, the former Peterborough~~ City Council ~~appointed~~ appoints Mayors on the basis of their length of service with the Council. ~~There is now no formula or pattern for the selection of Mayor.~~ The Council may take into account factors such as experience at chairing meetings, the need for the Mayor to have time to attend many day-time as well as evening appointments, and the range of duties which the Mayor will be required to undertake. It is also usual for the Mayor and Deputy Mayor to represent two different political parties, although this is not obligatory. ~~The Deputy Mayor may become Mayor the following~~ ~~Mayors serve a one year term of office.~~ ~~year, but again this is not obligatory.~~ ~~Mostly, a Mayor serves only one term but some Mayors at Peterborough have served for two consecutive years.~~

4.3 A Mayor's Induction pack is provided by ~~the Mayor's Office,~~ ~~Mayoral Services Manager~~ which explains the full range of issues with which the Mayor will become involved. ~~It is available for prospective candidates, and also for the newly appointed Mayor's guidance.~~

5. The Mayoress or Consort

5.1 It is usual for the Mayor to identify the person who will accompany them to all or most of the civic and social activities which they attend in their official capacity as Mayor. The choice of companion is entirely at the Mayor's discretion. A male Mayor's female companion is designated Mayoress, while a female Mayor's male companion is designated the Mayor's Consort.

5.2 The position of Mayoress or Consort is not provided for in law and therefore has no legal status. The Mayoress or Consort cannot represent the Mayor at city events; their role is to accompany and assist the Mayor. In the absence of the Mayor, this duty would fall to the Deputy Mayor.

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6. The Deputy Mayor and Deputy Mayoress or Consort

- 6.1 The Deputy Mayor will deputise whenever the Mayor is unable to carry out a mayoral duty. In particular, if the Mayor is not able to present at a Council meeting, the Deputy Mayor will take the chair. When the Mayor is present at Council, the Deputy Mayor will sit to the Mayor's side upon the dais in order to help the Mayor in chairing the meeting (for example, identifying councillors who wish to speak about an item under discussion).
- 6.2 The Deputy Mayor will also attend each of the events in the Council's annual civic events programme, forming part of the mayoral party. He or she will deputise for the Mayor at such events, in the Mayor's absence.
- 6.3 The Deputy Mayor will attend council-run or external events where possible, if the Mayor is unable to do so. In deciding whether or not to accept such invitations, the Deputy Mayor will have regard to the same advice and priorities as are indicated for the Mayor at paragraph 3.4 above.
- 6.4 Like the Mayor, the Deputy Mayor usually identifies a companion to accompany them to civic and social events attended in their official capacity as Deputy Mayor. A male Deputy's female companion is designated Deputy Mayoress, while a female Deputy's male companion is designated the Deputy Mayor's Consort.

7. The Mayor's Chaplain and Cadet, and the Town Crier

- 7.1 It is custom and practice for the Mayor to appoint a Chaplain. The appointment is honorary, is at the Mayor's discretion and has no official status. The Chaplain acts as spiritual adviser to the Mayor, says prayers before each Council meeting and attends major civic functions and dinners where he or she will be expected to say grace. The Chaplain will also make arrangements for the Mayor's Civic Service, held each year in the Mayor's own ward.
- 7.2 The Mayor may also consider appointing a Mayor's Cadet for their term of office. This will be young person from the army, naval ~~or~~ air force ~~or police~~ cadets, selected by the Mayor ~~following nominations from the local defence force organisations~~. Like the Chaplain, the position of Mayor's Cadet is honorary, at the Mayor's discretion and has no official status. The Cadet, where appointed, will accompany and assist the Mayor at official functions, enabling a young representative to be present at civic events and also providing good opportunities for personal development for the cadet.
- 7.3 Peterborough's Town Crier is an honorary position. The Crier is chosen from candidates who come forward after public advertisement or notice, and is selected by the Leader of the Council usually after a public 'crying' competition. The appointment is generally continued from year to year, until the current incumbent stands down. ~~At the start of each municipal year the Mayor is asked to confirm whether or not he or she wishes to retain the Town Crier's services. If so, a small honorarium (determined by the Solicitor to the Council) is paid towards the Crier's expenses, and in return the Crier cries, upon request from the Mayor's Office, public information about council or civic events and the Mayor's charity events.~~ The Crier is expected to uphold the dignity of his or her office, but may also engage in other crying activities provided that these do not bring the office of Town Crier into disrepute.

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8. **The civic insignia**

8.1 Mayors in Peterborough wear a robe of office, together with a chain ~~and badge~~ of office on all formal ceremonial occasions. If the ceremony is out of doors, the Mayor will wear a hat, which in the case of a man is a black cocked hat and for a lady a black tri-corn hat. On normal day to day civic occasions, the Mayor and Mayoress will wear only the chain ~~and badge~~ of office. The Mayor is expected to wear the ~~roberobe~~ and chain of office for Council meetings, but if it is particularly hot, the ~~robe need not be worn~~ Mayor can adjourn the meeting and remove the robe.

8.2 If the Mayor accepts an invitation to attend a function in another local authority, it is courtesy to seek the consent of the Mayor or Chairman of that local authority to wear the chain of office if this is required.

9. **Formal address and orders of precedence**

9.1 In writing, and on formal occasions, the Mayor should be addressed as 'The Right Worshipful the Mayor of the City of Peterborough'. At all other times the correct form of address is 'Mr Mayor' if the holder of office is a man or 'Madam Mayor' if the holder of office is a woman (the use of Madam Mayor is at the Mayor's choice).

9.2 The precedence of the Mayor is set down under Section 3(4) of the Local Government Act 1972 which states "The Chairman of the District Council shall have precedence in the District, but not so as prejudicially to affect Her Majesty's royal prerogative."

9.3 The Lord Lieutenant, when present at a civic procession or royal occasion, takes precedence over the Mayor as the monarch's representative. The Deputy Lord Lieutenant of the County does not take precedence over the Mayor, unless he is deputising for the Lord Lieutenant. There are no clear rules in respect of the precedence of the High Sheriff, but general advice is that the High Sheriff's duties are largely restricted to judicial functions, so he or she does not represent the monarch in the same way as does the Lord Lieutenant. Therefore, if the High Sheriff is present at a city occasion, he or she should yield precedence to the Mayor. The precedence of other office holders is very much based upon guidance available in books of etiquette, together with local tradition.

9.4 ~~The Chief Constable~~Where possible a Police Representative will normally lead the Mayoral Party processions and the order of precedence for the City of Peterborough for civic processions and royal occasions is as follows (see also paragraph 9.6 below):

The Lord Lieutenant The Mayor and Mayoress/Consort The Chief Executive <u>and Leader of the Council</u> The Deputy Mayor and Mayoress/Consort Any Minister of the Crown present* The High Sheriff Members of Parliament (Privy Councillors have precedence)** <u>Elected Mayor</u>	(This group forms the mayoral party)
<u>Serving Military Representatives</u> <u>Police & Crime Commissioner</u> <u>Police and Fire</u>	

<p>Honorary Freemen of the City (representatives of organisations which have received this honour will follow individual freemen)</p> <p><u>Past Mayors</u></p> <p>Chief Constable and Chief Fire Officer</p> <p>Visiting Chairmen</p> <p>Visiting Mayors (these may come later in the procession, after city councillors, in cases where a large number of visitors are present)</p> <p>Past Mayors</p> <p>Leader of the Council</p> <p>Cabinet Members</p> <p>Group Leaders</p> <p>Other city councillors and city council officers</p> <p>Other guests</p>	
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* Where it is customary to include local Members of Parliament (MPs) in the order of precedence for a civic procession, most local authorities place them between the mayoral party and councillors. This is the case in Peterborough. However, if an MP is a Minister of the Crown, he or she is included in the mayoral party.

** Where an MP is a Privy Councillor, he or she takes precedence over other MPs.

9.5 Any civic procession is led by the Mayor's Attendant Services Assistant carrying the mace, preceded by a police representative where necessary.

9.6 During a royal visit to Peterborough, the order of presentation to the royal visitors by the Lord Lieutenant shall be determined by Her Majesty the Queen. The City Council will usually be consulted by the Lord Lieutenant's office prior to the visit in order to advise Her Majesty. The City Council will usually recommend the following:

<p>Lord Lieutenant and partner</p> <p>High Sheriff and partner</p> <p>Mayor and Mayoress/Consort</p> <p>Chief Executive and partner</p> <p>Deputy Mayor and Mayoress/Consort</p> <p>MPs and partners (Privy Councillors have precedence)</p>	(This group forms the mayoral party)
<p>MEP & partner</p> <p>Leader of the Council</p> <p>Chief Constable and partner and Chief Fire Officer and partner</p> <p>(After these presentations, the Lord Lieutenant will present the principal organiser of the event)</p>	

Apart from the lead from the Lord Lieutenant & High Sheriff – other order to be same as above.

On the occasion of a royal visit to Cambridgeshire, which includes Peterborough, then the Cambridgeshire County Council chairman will also be presented.

10. The Council's programme of civic events

10.1 The Council organises or participates in a series of major civic events which occur each municipal year. These are indicated below:

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Part 5, Section 6 – Civic Protocol

Annual programme of civic events	Usual time of year	Principal organisation(s)
<p>Mayor Making and Annual Council Meeting</p> <p>(This includes the ceremonial investiture of the Mayor, and an event in honour of the retiring <u>retiring Mayoral Party</u> and new Mayors).</p>	May	<p><u>Peterborough City Council</u> <u>Mayoral Services liaising with Democratic Services</u></p>
<p><u>Past Mayor's Dinner</u></p> <p>(There is an expectation that all Members of the Council will support the Past Mayor's Dinner and if unable to attend, will be encouraged to make a financial contribution).</p>	May	<p><u>City Council</u></p>

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Annual programme of civic events	Usual time of year	Principal organisation(s)
Cathedral Civic Service (To install the Mayor in his/her seat in the Cathedral. Also an opportunity to formally seek spiritual blessing and guidance for the new Mayor throughout their term of office.)	June	Cathedral Peterborough City Council Mayoral Services liaising with Cathedral
Town Hall 'Open Day' (An opportunity for any member of the public to visit the Town Hall, meet the Mayor and see displays about the Council's role and services. Light refreshments are served, where possible by pupils from a senior school in the Mayor's ward.)	June	Peterborough City Council Mayoral Services
The Mayor's Civic Service (A service at a place of worship in the Mayor's own ward.)	Usually September, but timing is at the Mayor's discretion	Peterborough City Council/the Mayor's selected place of worship Mayoral Services in liaison with nominated Church
Traditional opening of Bridge Fair (The Mayor opens the fair at Pleasure Fair Meadow The Embankment, and the fair master takes the mayoral party and guests – including mayors from other local authorities in the area - on a tour of the fair; afterwards, guests are traditionally invited to join a 'sausage supper' at the Town Hall, the proceeds of the tickets for which go to the Mayor's charity fund.)	First Tuesday in October	Peterborough City Council Mayoral Services

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Annual programme of civic events	Usual time of year	Principal organisation
<p>Remembrance Sunday Service and Parade</p> <p>(The service is preceded by a military and civic procession from the Town Hall to the cathedral, where wreaths are laid at the war memorial prior to the service, and followed by a military parade with a march past the Town Hall at which the mayoral party takes a salute outside the Town Hall. The civic procession follows back to the Town Hall, and a wreath above the Town Hall front door is unveiled. The service and parade are organised by the Royal British Legion and the cathedral, but the City Council is also an important participant and hosts the planning meetings required for each event.)</p>	<p>November</p>	<p>The wreath laying service and civic procession is organised by the Mayoral Services Team in liaison with the Royal British Legion and the Cathedral/ City Council.</p>
<p>Two Minutes' Silence</p> <p>(A short service takes place at 11am on Armistice Day at the Guildhall and Cathedral Square War Memorial. It is preceded and followed by a civic procession to and from the Town Hall. The vicar of St John's Church presides at the service, and is joined on the Guildhall steps by the mayoral party and the President of the Royal British Legion. Rocket maroons mark the silence. As with Remembrance Sunday, the service is organised by the Royal British Legion and the cathedral, but the City Council is an important participant and provides the rocket maroons for the event.)</p>	<p>November</p>	<p>Organised by the Mayoral Services Team in liaison with Royal British Legion/ Cathedral/ City Council representatives</p>
<p>Katherine of Aragon's Memorial</p> <p>(A service based around Katherine's tomb in the cathedral, involving schools and International Links.)</p>	<p>January</p>	<p>City Council.</p>
<p>Holocaust Memorial Day</p> <p>(A local event linked to this national day, often comprising a museum exhibition and an outdoor service representing as many of Peterborough's communities as possible. Remembering past tragedies and promoting harmony and tolerance.)</p>	<p>January</p>	<p>Peterborough City Council, in partnership with community representatives There is an organising committee but all organisation via Mayoral Services</p>

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<p>The Mayor's Ball</p> <p>(This is the Council's major civic social event of the year, open to anyone upon purchase of a ticket. The proceeds go to the Mayor's charity fund. Fund raising activities associated with the Ball are the responsibility of the Mayor's voluntary Charity Committee, but the Mayor's Office Mayoral Services Team organises the Ball itself.)</p>	<p>March Now generally scheduled as the Mayor's Finale Ball</p>	<p>City Council Organised by Mayoral Services and supported by the Mayor's Charity Committee (jointly) Charities.</p>
<p>ANZAC Day</p> <p>(Visit to Sgt Hunter's grave to commemorate the involvement of the Australian & New Zealand Army Corps in World War 1.)</p>	<p>April</p>	<p>Royal British Legion/ City Council</p>

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10.2 Other civic events may be arranged during the year and include Fly the Flag events for the Commonwealth, Armed Forces, Red Ensign (Navy). This can include, for example, parades or civic receptions for visitors or events of major significance (such as a visit from the civic party representing one of the Council's twinned authorities), or associated with the opening of a major festival. It is usual for any significant funding of such events to be provided by the relevant service department of the City Council, depending upon which department is the lead organiser of the occasion. However, the Mayor's Office will assist with ensuring The Mayoral Services Team will ensure that the Mayor and guests are invited and will also arrange any reception required at the Town Hall.

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10.3 A Freedom Parade may be requested by a military organisation which holds the freedom of the city of Peterborough, when it wishes to exercise its right to march through the city. Such a parade would be organised by the organisation, but hosted by the Peterborough City Council which will join in the planning of the event. If the City Council decides to award the honorary freedom of the city or alderman status to a person or organisation, this will involve a special Council meeting to determine whether or not to award the honour, followed later by a ceremony to make the award which will be arranged by the Council's Mayoral Services Team in conjunction with the recipient of the honour.

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11. Civic hospitality

11.1 Civic hospitality, such as light refreshments, may be offered to councillors and guests after council meetings and civic events, and when the Mayor receives visitors in the Mayor's Parlour. This would usually arise on occasions such as those which promote Peterborough, or which reciprocate civic hospitality extended to Peterborough's representatives upon an earlier visit elsewhere, or which recognise important voluntary work for the benefit of Peterborough's citizens.

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11.2 Such hospitality will usually be organised and funded by the Council's civic Mayoral Services budget, but significant commitments instigated by a service department would require support and contributions from the lead service department. The civic Mayoral hospitality budget and programme are managed by the Solicitor to the Council, Head of

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Constitutional Services and Mayoral Services Manager, in consultation with the Leader of the Council and the Chief Executive, who may be requested to approve funding for special events over and above the civic hospitality cash limited budget when this would be in the best interests of Peterborough. Any other civic hospitality commitments that the Mayor wishes to incur will be met by the Mayor personally.

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11.3 Members of the public are able to write and request a tour of the Town Hall public rooms. ~~Council officers~~The Mayoral Services Team will accommodate such requests wherever reasonably possible. Upon such occasions, the ~~Mayor's Attendant or his/her nominee~~Mayoral Services Assistant will ~~act as host, accompanying~~ accompany the visitors and explaining the history of the public rooms and the Council's civic procedures. This activity is often associated with educational visits, by students or younger children. A small charge may be levied, to cover the Council's reasonable costs.

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12. Civic dinners

12.1 At formal civic dinners, guests are received at an opening reception by the Mayor and his or her consort, accompanied by the Deputy Mayor and his or her consort. ~~The Mayor's Attendant announces guests as they arrive.~~

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12.2 After the reception, guests are invited to the dining room. A seating plan will be pre-arranged ~~by the Mayoral Services Team~~. At the top table, the principal guest will be seated at the Mayor's right while the Mayoress/Consort is placed at the Mayor's left. The principal guest's partner takes the seat next to the Mayoress/Consort.

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12.3 If the Mayor and Deputy Mayor are robed, while guests are moving from the reception to their seats the Mayor and Deputy may remove their robes. They will retain their chains of office, as will the Mayoress/Consort and Deputy Mayoress/Consort. When the Mayor and Mayoress/Consort are ready, the ~~Mayor's Attendant~~Mayoral Services Assistant will announce their arrival to the assembled guests and they will then be 'clapped' to their places.

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12.4 Prior to the guests being invited to sit down, the ~~Mayor's Attendant~~Mayoral Services Assistant will announce that the Mayor's Chaplain or other designated person will say grace. Guests will then sit and dinner will be served. Following the meal, ~~at about the coffee time~~, toasts will be called. The first will be the 'Loyal Toast' to the monarch, proposed by the Mayor ~~or the Leader of the Council~~. All present should be asked to stand and the Mayor/Leader will say "The Queen". No other names or persons are added to the 'Loyal Toast'. Other toasts will follow as listed in the printed menu.

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13. Civic gifts

13.1 It is common practice for the Mayor and Deputy Mayor to be given gifts when attending external functions in their official capacity. Gifts are also often exchanged when delegates visit Peterborough. It is custom and practice that the Mayor or Deputy Mayor receives such gifts on behalf of the City Council, and they are forwarded to the ~~Mayor's Attendant~~Mayoral Services Assistant for entry on the civic inventory and displayed as appropriate.

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13.2 Small gifts, such as badges or pens which are clearly indicated as a personal gift for the Mayor or Deputy Mayor, may of course be kept. They Mayor and Deputy should have regard to the Code of Conduct for Councillors when deciding whether to receive and keep such gifts, and should ensure that they are recorded in the hospitality register

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as required by the code (currently, this requires as a minimum that all gifts valued at £25 or over should be recorded). Gifts which the Mayor or Deputy receive in their official capacity are recorded in a register held by the ~~Mayor's Officer~~ Mayoral Services Manager; any gifts received in their capacity as an elected councillor are recorded in the register applicable to all councillors, held by the ~~Solicitor to the Council~~ Director of Legal and Governance.

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13.3 The ~~Mayor's Officer~~ **Mayoral Services Manager** obtains civic gifts, as required, with agreement from the Head of Constitutional Services. These are used upon the following types of occasion:

Gift purpose	Typical example of a gift which may be given (this list is for guidance only)
To recognise the contribution of retired and non-elected councillors who have served for a considerable length of time or have served as Mayor;	Possibly a glass paperweight, crystal glasses, china plate or a crystal bowl bearing an inscription such as "For services to Peterborough City Council". The type of gift will reflect the length of service. For a particularly long-serving councillor, a specific gift with a personal engraving might be appropriate. The Mayor will be consulted about the gift to be offered.
Ambassadors and other visiting dignitaries representing a city elsewhere and gifts taken to the City Council's twinned and friendship cities during official visits	Possibly a clock or other suitable item, engraved with the Peterborough crest. The International Links Officer can advise about the appropriateness of the gift.
Presentations upon an occasion such as the wedding of an important local dignitary	Possibly a glass paperweight, crystal glasses, china plate or a crystal bowl bearing an inscription.
Small gifts for visitors such as volunteer organisations, youth organisations, etc	Badges, pens, Peterborough pennant, Peterborough literature, etc. Mayors Badges

13.4 The list above is not exhaustive. ~~Gifts are selected bearing in mind the appropriateness. The Head of the occasion, the Mayor's view, knowledge of gifts offered or received previously, current trends~~ **Constitutional Services** and so on. ~~The Council ensures~~ **Mayoral Services Manager ensure** that expenditure is controlled carefully, while ensuring that the dignity of the occasion and/or the contribution of the recipient is properly reflected.

14. European and overseas links

14.1 Peterborough has official 'twinning' (partnership) links with Bourges in France, Viersen in Germany, Alcalá de Henares in Spain, Forlì in Italy and Vinnitsa in the Ukraine. The Council also has a number of friendship links.

14.2 The Mayor, as the representative of the City, is often invited to attend civic ceremonial functions, business conventions, events and exhibitions in Peterborough's partner cities. ~~The Mayor is authorised to accept one civic/partnership invitation during the municipal year, from a twinned town (Bourges, Viersen, Forlì, Alcalá de Henares or Vinnitsa). These visits are able to be funded by the Council only when this is possible through the Council's twinning/international links budget, and the corporate civic budget does not cover this expenditure. (Although, a contribution from the civic budget could be sought in exceptional circumstances where insufficient funding is not available from the international links budget). Council funding will provide for appropriate transport to and from the event, for the Mayor and Mayoress/Consort, together with appropriate officer(s). The Council car and chauffeur will only travel abroad with the mayoral party if this would prove more cost-effective (taking into account all vehicle and officer costs) than travel by public transport or the accompanying officer's car. The Mayor may~~

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Part 5, Section 6 – Civic Protocol

~~accept additional invitations to visit Peterborough's twin towns if they incur the costs personally and not through the twinning/international links budget or civic budget. The Mayor may be offered the opportunity to undertake a visit to one of the twinning Towns, which is determined by budget constraints. This is to be discussed with the Head of Constitutional Services and Mayoral Services Manager. The Mayor may accept additional invitations to visit Peterborough's twin towns if they incur the costs personally.~~

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14.3 In the event that the Mayor is unable to attend a civic/partnership invitation, reference should be made to Part 3 – paragraph 3.7: The Mayor's Civic Role, for the procedure to be followed.

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14.4 If an invitation to visit Peterborough is extended to a Mayor or other delegates from any of Peterborough's partner cities, on behalf of the Council, the general expenses of the visit will be funded from ~~both the budget approved for that purpose by the department or organisation delegated to deal with twinning issues-Mayoral Services Budget and other partner organisations.~~ On such occasions, the Mayor ~~is expected to may~~ host a civic reception for the visitors ~~and, the corporate civic-Mayoral Services budget will may~~ provide the funding ~~for one such reception per year – although a significant cost commitment may still require support - subject to budget constraints and contributions approval~~ from the ~~twinning budget~~Head of Constitutional Services and ~~officers-Mayoral Services Manager.~~

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15. Freedom of the City of Peterborough

15.1 Freedom of the City may be offered in accordance with the provisions of section 248 and 249 of the Local Government Act 1972. ~~This should be recommended to the Honour's Panel for a decision to be made.~~

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15.2 The freedom may be awarded to an individual or an organisation such as a local branch of a military organisation or a locally-based volunteer emergency service. It is awarded where the person or organisation has made a significant contribution to the social fabric or well-being of the citizens and city of Peterborough.

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15.3 Persons awarded the freedom, including leading representatives of organisations so honoured, are invited to all civic events organised by the Council and also to Mayor's charity events. They are invited to participate in civic processions, in the order of precedence indicated earlier in this protocol.

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15.4 In order to award the freedom, the Council must hold an extraordinary meeting convened for that purpose only. Should the Council receive a request or nomination for the freedom to be awarded, it is ~~usual for the Solicitor to the Council to first check informally with political Group Leaders whether such a proposal is likely to be supported in a formal Council meeting-the role of the Honours Panel to make the recommendation to Full Council.~~ The decision to award the freedom must, as a legal requirement, be supported by a majority of those present and voting. Once the decision has been made by Council, a separate ceremony will be arranged later to mark the presentation of the honour. This may include a freedom march, in the case of a military honour. ~~A scroll may be presented in a casket, or other suitable form of presentation adopted. A reception will be provided in the person or organisation's honour. The names of all freemen are recorded in a special book, held in the Mayor's Parlour. All recipients are noted on the plaque outside of the Council Chamber.~~

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15.5 Military organisations awarded the freedom may exercise the right to march through Peterborough. On such occasions, the Council will offer civic hospitality – referred to earlier in this protocol.

16. The Mayor’s charities and the Charity Committee

16.1 At the Annual Council Meeting, the Mayor will announce the charity or charities for which he or she will support and promote fundraising activities during the year. It is usual for these to be locally-based charities which are able to supply a small number of dedicated volunteers who can form the Charity Committee during that mayoral year together with a larger number of volunteers who can devote time to running ~~monthly coffee mornings and raffles and other fund raising events. An alternative can be for the Mayor to form a Charity Committee of volunteers who will support a ‘Mayor’s Community Chest’, which can then allocate the money which it raises to smaller local charities less able to provide volunteers for a fuller commitment and mayoral programme fundraising events. The Mayor of Peterborough Charities is now registered as a charity with the Charity Commission and Trustees need to be identified from the Committee and registered with the Commission.~~

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16.2 It is the Mayor’s responsibility to convene his or her Charity Committee at the start the mayoral year – preferably, the committee members will have been identified earlier, once the Mayor-Elect is identified in January. At the inaugural meeting, the committee will appoint its chairman and secretary. The ~~Mayor’s Officer~~Head of Constitutional Services will give guidelines as to what is expected of the charity members and the ~~Mayor’s Officer~~Mayoral Services Team during the mayoral year.

16.3 ~~The Mayor’s Officer will act as treasurer for the committee, and be the central co-ordinator for the committee’s charity events (including help with: booking caterers for events at the Town Hall; arranging for tickets and posters to be printed through the Council’s printing service; advertising the event by means of media releases, direct invitation to the civic address list and circulating event posters to councillors, staff and media; and issuing some event tickets). The Mayor’s Officer will not act as Charity Committee Secretary and cannot act~~The Mayoral Services Manager will act as ~~treasurer for the committee but cannot act as Charity Committee Secretary or~~ as lead organiser, as their focus is upon the Council’s civic programme and mayoral support rather than upon the Mayor’s charities. The ~~exception is~~Mayoral Services Team can provide assistance with printing of posters and tickets for charity event. However, the Mayor’s Ball ~~and~~ the Sausage Supper, ~~both and the Proms Concert~~, all of which are civic events planned, organised and co-ordinated by the ~~Mayor’s Officer~~Mayoral Services Team, even though the proceeds of them go to the Mayor’s charities.

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16.4 The Charity Committee will: organise and run their ~~coffee morning~~events; collect tombola and raffle prizes ~~for events; help to organise; and run events;~~ actively help to promote ~~events, seek sponsorship,~~ sell tickets and ~~promote events.~~ seek sponsorship.

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16.5 The ~~Mayor’s Officer~~Mayoral Services Manager banks all monies received from ~~fund-raising~~fundraising events in the charity bank account, reports a statement of the account at each committee meeting and presents cheques to the Mayor’s chosen charities at the end of the ~~financial~~Mayoral Municipal year, usually at an informal presentation in the Mayor’s Parlour.

17. The Mayor’s and Deputy Mayor’s allowances

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Part 5, Section 6 – Civic Protocol

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17.1 Sections 3(5) and Sections 3(4) of the Local Government Act 1972 provide for the Council to pay to the Mayor and Deputy Mayor respectively an allowance to help with the expenses incurred in fulfilling their office. The allowance is determined by Council, and the amount currently in force is stated in the Members' Allowances Scheme. Although not required by law, the Council may consult its independent **Members Allowances Remuneration** Panel as to the level of payment which is appropriate in each case; ~~this is not obligatory.~~

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17.2 The types of expenditure which Peterborough City Council expects its mayor's allowance, retained by the Mayoral Services Office to cover are: ~~clothing; travel (although the Mayor's car is used for official duties wherever possible); telephone calls and postage undertaken outside the Mayor's office; their consort's expenses; the provision of any free tickets which the Mayor wishes to offer to visiting mayors, charity committee helpers or other mayoral guests at Charity Committee events and the Mayor's Ball; any refreshments which the Mayor wishes to offer helpers at charity events; tickets for meals purchased for the Mayor and his or her consort as part of functions attended in the capacity of mayor (such as for a dinner); any other charity expenses not covered by the Charities Committee; the Mayor's tickets to his/her own charity events and the Mayor's Ball; the cost of their ward civic service and refreshments (but not: Any unused balance in this account at the cost of the cathedral civic service, which year-end is returned to the Council's hospitality budget would general fund); donations, raffle tickets, and prizes; and such like.~~

17.3 The Deputy Mayor's allowance is to cover their personal expenses, and those of their consort, similarly to the Mayor's allowance.

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17.4 An element of the allowance to the Mayor and Deputy Mayor is paid to them directly via their members' allowance, and this is intended to cover expenditure (such as clothing, ~~travel, telephone and items) which would be overly bureaucratic to administer through the Mayor's and Deputy Mayors' Account. The remainder is provided through the Mayor's and Deputy Mayor's Account; any unused balance in this account at the year-end is returned to the Council's General Fund-dry cleaning, travel, telephone, postage and purchase of items (i.e. raffle tickets when attending events).~~

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17.5 The Mayor's and Deputy Mayor's Allowances are identified at Part 6, paragraph 4, of the Constitution (Members' Allowances Scheme).

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18. Administration and funding of the mayoralty and civic service

18.1 ~~The Solicitor to the Council is~~ **The Head of Constitutional Services and Mayoral Services Manager** are responsible for civic and ceremonial matters, with the Chief Executive retaining an important leading role as Council's most senior officer.

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18.2 ~~The Mayor's Officer~~ **Mayoral Services** runs the Mayor's office. This includes arranging civic and ceremonial events, keeping the Mayor's diary and accounts, assisting with the organisation of the Mayor's Charities, liaising with organisations and individuals on the Mayor's behalf and generally briefing, advising and supporting the Mayor and Deputy Mayor in carrying out their duties.

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Part 5, Section 6 – Civic Protocol

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18.3 The Mayor is also assisted by the ~~Mayor's Attendant~~ Mayoral Services Assistants who acts as City Mace Bearer. ~~The Mayor's Attendant accompanies~~ They also accompany the Mayor at Council meetings and ~~major~~ civic events, and when guests are received in the Mayor's Parlour. He or she is responsible for civic regalia, assists the ~~Mayor's Officer~~ Mayoral Services Team in providing civic hospitality and also hosts visitors such as students who visit the Town Hall on educational visits to learn about its history and the Council's civic procedures.

18.4 The ~~Mayor's Attendant~~ Mayoral Services Assistant is responsible for transporting the Mayor in the mayoral car for official ~~mayoral~~ duties. Every effort is made to make maximum use of the vehicle so, as far as is possible, the mayoral car is also used for transporting the Deputy Mayor upon official business - although the Mayor's use takes precedence and alternative transport is sometimes necessary for the Deputy Mayor. The car is not used by the Mayor or Deputy Mayor's consorts, except when associated with accompanying the Mayor or Deputy on official business. Wherever possible, the mayoral party travels together in order to avoid the need for several separate journeys to and from events. It is the ~~Mayor's Officer's~~ Mayoral Services Manager's responsibility to schedule the use of the car, ~~in consultation with the Mayor's Attendant as necessary.~~ The Chief Executive is authorised to replace the vehicle every five years, or ~~at a shorter interval,~~ in accordance with the leasing arrangements and this should be the most cost effective option for the Council. The following guidelines will be applied in respect of procuring a replacement:

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- ~~a) The vehicle will be commensurate with the status of the First Citizen;~~
- ~~b) a) _____ The vehicle will be at the lower end of the emissions scale for cars of that type;~~
- ~~e) b) _____ The vehicle will, if possible, be generally regarded as 'British' or with British connections;~~
- ~~d) Any extra features of the vehicle will be relevant to the position and status of the Mayoral car as appropriate.~~

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18.5 At major events, assistance is also provided by the Beadles. In particular they assist with security and also civic hospitality.

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18.6 The Council's corporate civic budget is controlled by the ~~Solicitor to the Council~~ Head of Constitutional Services and managed on a daily basis by the ~~Mayor's Officer~~ Mayoral Services Manager. The account covers civic hospitality as described at section 11 above, the Mayor's and Mayor's Office expenses, funding of ~~major~~ civic events, civic gifts, maintenance of civic insignia and other such civic expenses. ~~Other civic receptions are funded by the relevant lead service department. The use of civic funds and other resources is controlled by officers in consultation with the Mayor where this is appropriate and in accordance with these protocols and the Council's procedural rules, because the mayor has no legal 'executive' authority to determine such matters. For example, the Mayor's Officer will book caterers for civic events after seeking quotations as required by financial procedural rules, while the Mayor's Attendant controls the supply of drinks or food made available for civic hospitality. The Mayor may not make any executive decisions other than those connected with the statutory functions described at section 2 above. In the event of any uncertainty about an appropriate course of action, or the availability of funding for a requested civic event or expense, the Solicitor to the Council will consult the Leader of the Council as necessary.~~

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18.7 In order that expenditure upon civic matters is clearly identifiable, the costs of other support will be charged to the civic account as necessary. ~~For example, when such as~~

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Part 5, Section 6 – Civic Protocol

~~car parking space is required to be cordoned off in the Car Haven car park for civic guests, the cost of lost parking income will be charged to the civic account and road closures.~~ In order to minimise such costs, use of cordoned car parking space permits will be restricted to major civic events ~~only, and usually only those which occur in working hours (namely the annual Open Day, and any mid-week freedom parade).~~ Other civic expenses will be kept to a minimum consistent with maintaining appropriate standards.

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18.8 At the close of each mayoral year, the ~~Mayor's Officer~~ Mayoral Services Manager will arrange for the Mayor's name to be engraved on the plaque upon the wall outside the Mayor's Parlour. A portrait photograph of the Mayor, and his or her consort at the Mayor's discretion, will also be obtained and hung in the Parlour. ~~Where a Mayor serves more than one year, only one engraving will be made and portrait hung, to cover the full term of office.~~

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18.9 Every year a full Council photograph will be taken prior to ~~the Annual~~ the Annual Council meeting; ~~the date being identified in consultation with the Mayor.~~ The current photograph will be displayed in the Town Hall and on the Council's ~~web site~~ website, and a selection of past photographs will also be displayed where space allows. ~~Other past photographs may be kept in an album in the Mayor's Parlour.~~

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Issue date March 2011
Version 003

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 10
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance & Monitoring Officer	
Cabinet Member responsible:	Cllr David Seaton – Cabinet Member for Resources	
Contact Officer:	Philippa Turvey, Democratic and Constitutional Services Manager Daniel Kalley, Senior Democratic Services Officer	Tel. 296334

CODE OF CONDUCT COMPLAINTS RECEIVED SINCE JULY 2018

RECOMMENDATIONS	
FROM: Monitoring Officer	Deadline date: N/A
<p>It is recommended that Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> Note the report on complaints received/being handled by the Monitoring Officer since July 2018. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Constitution and Ethics Committee by the Council’s Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The Constitution & Ethics Committee has the responsibility of promoting and maintaining high standards of conduct amongst members and co-opted member of the council including “monitoring the operation of the Code of Conduct. This also includes parish councillors.

2.2 The Monitoring Officer proposes that a standing item is placed on the agenda for the committee notifying and updating the committee on complaints that have been made, how they are being handled and whether they have been resolved. The committee has decided that these will be reported in an anonymised way until such time as a breach of the code of conduct is found as part of the complaints process.

2.3 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.72.2

Authority to oversee and approve the operation of the Council’s functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- Promoting and maintaining high standards of conduct by Members and coopted members;

- Assisting the Members and co-opted members to observe the Code of Conduct;
- Advising the Council on the adoption or revision of the Members Code of Conduct and Officer Code of Conduct;
- Monitoring the operation of the both Codes of Conduct;
- Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
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4. **BACKGROUND AND KEY ISSUES**

4.1 Since the committee's last report in July 2018 there have been no new council complaints. There is still an outstanding complaint received pre-May where it has been agreed by all parties that it will be dealt with by way of alternative resolution (the giving of a written apology) but this has not yet been actioned.

4.2 **Closed Complaints**

A complaint that was received pre-July from a member of the public relating to a complaint that a parish council was not opening and closing meetings correctly, was not following correct protocol at meetings and failed to respond to public questions and were dismissive towards members of the public has now been closed. The Monitoring Officer had responded to say that a complaint cannot be made against the parish council as a body and needed to be against named councillors. The complainant has not responded to this and therefore the complaint will not be progressed any further.

4.3 **Ongoing complaints**

The Monitoring Officer is considering a parish council complaint relating to a complaint from a member of the public about the behaviour of the Chairman and another member of the parish council at a parish council meeting.

4.4 There is also an ongoing complaint which was raised by two members of Peterborough City Council against another member of council in relation to derogatory comments made in the media against one of the members along with alleged data breaches in relation to information received as part of a petition. This complaint was considered by the Monitoring Officer and the Independent person and it was decided to refer the matter for a formal investigation, which has now completed. The Monitoring Officer has explored whether the member is prepared to consider alternative resolution of the complaint by way of a written apology and data protection training but the member is unwilling to do this. A hearing will now be arranged for a panel of the committee to consider the complaint and the findings of the investigation report.

5. **CONSULTATION**

5.1 *N/A.*

6. **ANTICIPATED OUTCOMES OR IMPACT**

By reporting the complaints that have been made the Committee can more effectively monitor the operation of the Code of Conduct.

7. **REASON FOR THE RECOMMENDATION**

7.1 Regular reporting of both quantities and substance of complaints will help the Committee gain a better understanding of the effectiveness of current procedures and how well the Code is being observed across both the council and the parish councils in its area. This will inform future

decisions about what training may be necessary to ensure the requirements of the code are being met.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 None

9. IMPLICATIONS

Financial Implications

9.1 None

Legal Implications

9.2 Under the Localism Act 2011 the council may set its own procedures in relation to the handling of complaints.

Equalities Implications

9.3 None

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 The Localism Act 2011

11. APPENDICES

11.1 None

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CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 11
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, Director Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member Resources	
Contact Officer(s):	Dan Kalley, Senior Democratic Services Officer	Tel. 296334

WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

R E C O M M E N D A T I O N S	
FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee</p> <ol style="list-style-type: none"> 1. Notes and agrees the Work Programme for the remainder of the municipal year 2018/19. 2. Agree to the changing of the meeting in January to allow reports to be ready following the Christmas shutdown. 3. Agree to the Member Officer Protocol being circulated to Group Leaders for suggested alterations and for those to be brought back to the next meeting for discussion and agreement. 	

1. ORIGIN OF REPORT

1.1 This is a standard report to the Constitution and Ethics Committee which forms part of its agreed work programme. This report provides details of the Draft Work Programme for the following municipal year.

2. PURPOSE AND REASON FOR REPORT

2.1 The programme can be refreshed throughout the year in consultation with senior officer and the Committee membership to ensure that it remains relevant and up to date. In addition, any delays in reporting issues are recorded so that they do not drop off the committee agenda.

2.2 This is also an opportunity for Members of the Committee to raise any issues of concern under the Committee's terms of reference for discussion or addition to the work programme.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND

4.1 The Member Officer Protocol has been altered and amended on a piecemeal basis to take into account new legislation and suggestions from Councillors.

- 4.2 As part of the drive to streamline and make the Council's Constitution more accessible there is an opportunity for Councillors to contribute to the Member Officer Protocol.
- 4.3 This can then be brought to the Constitution and Ethics Committee to scrutinise and make final recommendations to Council.
- 4.4 It is proposed that this will enable better working relationships between Councillors and Officers going forward.

Social Media Guidance

- 4.5 The Social Media Guidance has been circulated previously to Councillors, however should the Committee wish an item can be placed on the work programme for a future meeting.

January date

- 4.6 To move the date to the end of January 2019 this will allow reports to be ready following the Christmas shutdown, should members agree to move this from the 7 January 2019. The potential date is Monday 28 January 2019.

5. IMPLICATIONS

Financial Implications

- 5.1 There are none.

Legal Implications

- 5.2 There are none.

Equalities Implications

- 5.3 There are none.

6. APPENDICES

- 6.1 Appendix A - Work Programme 2018/19.

APPENDIX A

DATE: 29 OCTOBER 2018			
		Section / Lead	Description
	Whistle-Blowing	Fiona McMillan Legal	To review the Councils policy on whistle-blowing and return functions to Audit Committee
	Council meetings - timings	Fiona McMillan/Dem Services	To look into the timings for Council agenda items.
	Civic Code	Fiona McMillan Legal	To review the Civic Code.
	Petitions Scheme.	Dem Services	Update to the petition scheme around acceptance of petitions the Council has no power over.
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2018 / 2019	Democratic Services Dan Kalley	

DATE: JANUARY 2019

	Section / Lead	Description
Parish Councils - Register of Interests	Fiona McMillan/Dem Services	
Officer Code of Conduct	Fiona McMillan	
Member Officer Protocol	Fiona McMillan	Suggestions from Councillors to be scrutinised for formal recommendations to Council.
INFORMATION AND OTHER ITEMS		
Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
Work Programme 2018 / 2019	Democratic Services Dan Kalley	

DATE: 11 MARCH 2019

		Section / Lead	Description
	Officer Employment Rules	Karen Craig HR	
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2018 / 2019	Democratic Services Dan Kalley	

