CONSTITUTION AND ETHICS COMMITTEE

WEDNESDAY 14 JULY 2021
6.00 PM

Sand Martin House, Bittern Way, Peterborough, PE2 8TY, meeting will be livestreamed here: Peterborough City Council Youtube Page

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the meeting held on 8 February 2021
4. Review of Peterborough City Council’s Code of Conduct
5. Criminal Record Checks for Members and Co-opted Members
6. Update on Petition Scheme
7. Dispensation issues
   There have been no dispensations issued since the last meeting.
8. Update on national issues
   There are no updates on national issues. The review of the LGA Model Code of Conduct is at item 4.
9. Councillor code of conduct complaints
10. Work Programme 2021/22

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http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Protocol%20on%20the%20use%20of%20Recording&ID=690&RPID=2625610&sch=doc&cat=13385&path=13385

Committee Members:

Councillors: Allen, Bashir (Vice Chairman), W Fitzgerald (Chair), M Jamil, Jones, N Sandford and Simons

Substitutes: Councillors: Hemraj, A Shaheed and I Walsh

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 6:00PM, ON
MONDAY, 8 FEBRUARY 2020
VIA ZOOM

Present: Councillors Seaton (Chair) Bashir (Vice-Chair), Allen, Murphy, Jamil, Shaheed and Sandford

Officers in Attendance: Dan Kalley, Senior Democratic Services Officer
Fiona McMillan, Director of Law and Governance and Monitoring Officer
Paulina Ford, Senior Democratic Services Officer
Pippa Turvey, Democratic and Constitutional Services Manager
Rachel Edwards, Head of Constitutional Services

Also in Attendance:

14. APOLOGIES FOR ABSENCE

There were no apologies of absence received

15. DECLARATIONS OF INTEREST

There were none.

16. MINUTES OF THE MEETING HELD ON 12 OCTOBER 2020

The minutes of the meeting held on 12 October 2020 were agreed as a true and accurate record.

17. LGA MODEL CODE OF CONDUCT

The Constitution and Ethics Committee received a report in relation to the LGA Model Code of Conduct.

The Monitoring Officer introduced the report and stated that the LGA had produced the model code on 23 December 2020. The power for councils to apply sanctions to members required legislation to be enacted, which meant that these provisions were not included in the model code. There was an online consultation that was circulated to all members of the Council last year between June and August to feed back any comments.
The new code was non-statutory and it could be adopted in whole or in-part by local authorities. Members were informed that the Council’s current code was adopted following the Localism Act 2011 and contained the Nolan principles on standards in public life along with statutory provisions on disclosable pecuniary interests. Peterborough City Council adopted a minimum provision for the code, although alterations had been made since its adoption.

The new model code made reference to some general provisions on councillor conduct which were based on the Nolan principles. There was a further section on how the code was to be applied and made clear that the code applied when a member was acting in their capacity as a councillor. It also included the provision to state that the code applied if a member of the public was under the impression that a councillor was acting in their capacity as a councillor. This also included all contact and the use of social media.

There was a new section in the model code around participation in training and registering of interests and gifts and hospitality. The code was written in the first person to encourage councillors to take the commitment personally. Most of the provisions on behaviour were not currently in the Peterborough City Council code of conduct. There was a further section on gifts and hospitality which was proposing declaring all gifts and hospitality over £50, the current code in Peterborough had recently been changed to declare any gifts and hospitality over £100.

Members were informed that the task and finish group on equality for councillors had started looking at the model code and that this would also be circulated to all group leaders. Further guidance from the LGA was due to be published in March.

Members were informed that a letter was sent to all Local Authority Chief Executives in July 2020 as a follow up the 15 best practice recommendations made in the 2019 Local Government report, representing a benchmark for ethical practice and which they expect any local authority should implement. The council’s response to the Committee on Standards in Public Life was attached at appendix 4. There were three areas that the Council were not complying with, these including not having a provision on bullying and harassment, a section on councillors having to comply with any formal standards investigation and a process to reviewing the code every year.

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

- The Council needed to work at complying with the areas outstanding in terms of best practice. In addition the value of gifts and hospitality should be reduced from £100 to £50 in line with the model code of conduct.
- The use of Council equipment was an important area and needed to be looked at in further detail. Most members used one single device
to access private and council business. Comments back to the LGA might be useful for them to look into the wording around this.

- The task and finish group on equality and diversity were looking into the model code of conduct. There were a few suggestions to the model code that the group wished to be incorporated, once these had been finalised, they would form part of the final report and be presented to the Adults and Communities Scrutiny Committee.
- With regards to the use of personal or business phones this would be set out at each local authority on what members could or could not do. This would sit alongside the code of conduct and did not need to go back to the LGA.
- The policy on the use of council resources by members would be brought back to committee at a later date and any suggestions could then be incorporated.

The Constitution and Ethics Committee considered and **RESOLVED** (unanimous) to note the model code of conduct and provide feedback at this stage.

**ACTIONS:**

1. A report on the Councillor IT policy and use of resources to be brought to committee at a future meeting.

18. **REVIEW OF URGENCY WORDING**

The Constitution and Ethics Committee received a report in relation to the Council's urgency wording.

The Senior Democratic Services Officer introduced the report and commented that the report was in front of members as a request at the last meeting. The report outlined the use of urgency in the executive procedure rules and in the scrutiny procedure rules. There had been some minor updates to the scrutiny procedure rules to bring these in line with the executive procedure rules and statutory legislation, outlining that if the Chair of the relevant scrutiny committee was unavailable to sign off the use of urgency it would be sent to the Mayor or in their absence the Deputy Mayor.

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

- The criteria as laid in the constitution was quite stringent. It was therefore debatable as to whether some decisions using the urgency procedure had met this high threshold.
- It was important to address what was in the executive procedure rules and then ensuring the Council adhered to these thresholds.

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note the report and agreed to the changes outlined.
19. TASK AND FINISH AND WORKING GROUPS MEETING IN PUBLIC

The Constitution and Ethics Committee received a report in relation to Task and Finish Groups and Working Groups meeting in public.

The Senior Democratic Services Officer introduced the report and confirmed that the proposals were as a result of a motion passed at Full Council in October. This asked the constitution to be amended so as to hold task and finish groups and working groups in public, unless there were clear reasons for them not to be held in public, such as the discussion of sensitive information. Each task and finish group has had at their discretion the ability to hold meetings in public if they wanted to. There were three options outlined in the report.

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

- As this was agreed at Full Council the principle behind holding task and finish groups in public should be the default position.
- Option 2 was similar to that operate by parliamentary select committees when conducting inquiries. This allowed for interviews being held by the committee to be held in public. However when the committee went away and discuss what went into the final report this was held in private.
- Option 1 was lacking in establishing a principle by which the Council could move forward with when setting up task and finish groups.
- There was not necessarily any additional resource cost, however there would be additional meetings needed to plan for public meetings and therefore it would be resource intensive for officers.
- With the potential to go back to meeting in public or holding hybrid meetings it was worth going with the intention of the motion agreed by Full Council and hold all meetings in public. This would follow the Nolan principles on transparency.
- There were concerns over having all meetings in public, although there were arguments for increasing transparency and therefore going with option 2.
- Task and Finish groups reported to scrutiny and were not a decision-making body.

The Constitution and Ethics Committee considered and RESOLVED to recommend to Full Council (6 for, 1 against) to agree option 2 as set out in 4.6 of the report namely to hold evidence gathering sessions with key witnesses in public and hold all other meetings in private. Consideration would need to be given to whether the subject matter was of a sensitive nature in which case it may not be possible to hold the meeting in public.

20. MOTIONS AND FULL COUNCIL

The Constitution and Ethics Committee received a report in relation to motions and Full Council.
The Democratic and Constitutional Services Manager introduced the report and stated that the committee had discussed the issue of motions previously of which there were no recommendations arising. A motion submitted at Full Council recently requested the Constitution and Ethics Committee to re-look at the process for submitting and debating motions and extending the possibility of having an additional council meeting. Their report set out some options for members to consider.

There was an option to restrict questions on notice, which had been trialled at recent Full Council meetings. Additionally, there was an option to restrict questions without notice on executive decisions by imposing a time limit as there was none in place currently. There was an option to also include a time limit on motions to try and get more motions debated or to limit the number of motions being submitted to Full Council.

A further suggestion was to re-order the agenda. Standing orders could be amended to bring motions further up the agenda to ensure that they were debated. In addition, there was a suggestion to hold another Council meeting after the Annual Council meeting and before the currently scheduled meeting in July, with this being aimed at considering motions. This had been done previously in 2019.

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

- At the last Full Council meeting there was a lot of time used that was not in the best interests of conducting Council business. Discussions had taken place with the Chief Executive around ideas that could be implemented to try and make Full Council meetings run more smoothly.
- Members were informed that there was a meeting planned between the Chief Executive and officers to discuss some suggestions and ideas on ways forward.
- There was a suggestion that Group Leaders might need to re-look at the running of Full Council meetings once suggestions had been made by the Chief Executive and these ideas had been drawn up.
- The issues around Full Council meetings had already been discussed at Group Leaders, some of these ideas had then gone on to Full Council to be discussed and debated on, especially around the process on questions.
- There were concerns amongst some councillors that asking questions was a key aspect of Full Council and some of the recent suggestions seemed to nullify this.
- One of best solutions was to have more Full Council meetings during the year, with one every month except for April and August, this would enable more business to be conducted. This would also allow flexibility in terms of the agenda and meetings could therefore be earmarked just for budget discussions or just for motions.
- Councillors and members of the public were disheartened that effort had gone into drawing up motions and questions but then were not debated at the meeting.
• It was important that at Full Council meetings business that effected members of the public and residents needed to be dealt with as a priority.
• There was also an issue over the guillotine and whether not having a guillotine might focus members on getting through the business of the meeting.
• All members of the Committee agreed that it was important to get through the business at Full Council meetings and that it was important to show residents that Councillors cared about what was happening in the City.
• Before the time limits on Full Council meetings were in place the meetings only very occasionally went on longer than four hours. The suggestions being proposed possibly created other issues, such as who could get their motions in on time.
• A proposal was made by the Chair that the Committee ask the Chief Executive to review the whole process of Full Council meetings with Democratic Services, following which a report was to be taken to Group Leaders to discuss. There were specific areas that needed focus these being:
  ○ The role of the Mayor
  ○ Focus to be on issues that affect residents
  ○ The importance of questions to Cabinet Members
  ○ Consider that motions were an important part of the agenda
  ○ Whether there needed to be additional Full Council meetings

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to recommend that the issue of Full Council meetings be referred to the Chief Executive to review the whole process with Democratic Services and a report be taken back to Group Leaders, with specific focus on the following:
  i. The role of the Mayor
  ii. Council business focusing on the issues affecting residents
  iii. Questions on notice to Cabinet Members
  iv. The importance of motions and the order of the agenda
  v. Additional Full Council meetings

21. **DISPENSATIONS ISSUES**

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note that there had been no dispensations granted since the last meeting

22. **UPDATE ON NATIONAL ISSUES (LGA MODEL CODE OF CONDUCT)**

The Constitution and Ethics Committee considered and **RESOLVED** (Unanimous) to note that there had been no further updates on issues of national interest since the last meeting
23. CODE OF CONDUCT COMPLAINTS RECEIVED SINCE OCTOBER 2020

The Constitution and Ethics Committee received an update report on the code of conduct complaints received by the Monitoring Officer since the last meeting in October 2020.

There was an alteration to be made to 4.2 of the report in bullet point two to now read, “Two complaints from a councillor in relation to social media posts by another councillor (received September 2020). Further complaints in response from the subject member were also received regarding the content and nature of these complaints, and the claims which had been made. These have been initially assessed by the Monitoring Officer and Independent Person and have all been referred for a joint investigation”.

The Constitution and Ethics Committee considered and RESOLVED (Unanimous) to note the report on complaints received/being handled by the Monitoring Officer since the Committee’s last meeting in October 2020 along with the altered wording of 4.2 of the report.

24. 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 2020/21.

The Senior Democratic Services Officer introduced the report and confirmed that the work programme was up to date for the next municipal year and items could be added at any stage.

The Constitution and Ethics Committee considered and RESOLVED (unanimous) to note the Committee’s work programme as at 8 February 2021.

6:00pm – 7.15pm

Chairman
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REVIEW OF PETERBOROUGH CITY COUNCIL’S CODE OF CONDUCT

It is recommended that the Constitution and Ethics Committee:

1. To consider and debate the amendments proposed for inclusion within Peterborough City Council’s existing Code of Conduct at Appendix 1 and to recommend adoption by Full Council; and

2. Where available, to note the LGA’s Guidance on the new model code and if appropriate, to recommend implementation alongside any associated revisions to the Code.

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee in response to recommendations made to the Monitoring Officer at its last meeting on 8th February 2021 when the Local Government Association’s Model Code was considered.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to provide the Constitution and Ethics Committee with an opportunity to review Peterborough City Council’s existing Code of Conduct and where appropriate, to recommend a revised version for approval by Full Council.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2:

   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 co-opted 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**

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<th>Is this a Major Policy Item/Statutory Plan?</th>
<th>NO</th>
<th>If yes, date for Cabinet meeting</th>
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<td>Date for relevant Council meeting</td>
<td>28th July 2021</td>
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4. **BACKGROUND AND KEY ISSUES**

4.1 **Background to Peterborough City Council’s Code of Conduct**

The Localism Act 2011 ("the Act") abolished the Standards Regime and Standards Board for England, including the Model Code of Conduct which was introduced in 2000. In its place, sections 27 and 28 of the Act require Councils to adopt ‘a’ Code of Conduct and have in place arrangements under which alleged breaches of that Code can be investigated and determined. As a consequence Peterborough City Council reviewed its own arrangements and agreed a ‘light touch’ alternative which was consistent with the (now) MHCLG’s suggested approach at the time. Subsequent revisions have been made over the years in accordance with the Monitoring Officer’s ongoing responsibility to keep these arrangements under review.

4.2 **Background to the Local Government Association’s Model Code**

The Committee on Standards in Public Life wrote to the Prime Minister in January 2018 to inform the Government that the Committee was to undertake a review of local government standards. As part of this review, the Committee held a public stakeholder consultation and looked at the conduct and culture in local government, both at principal authority level and in town and parish councils. The consultation closed on Friday 18 May 2018 and the Committee’s report was published on 31st January 2019. Amongst the various recommendations contained within the Report, it was suggested that the Local Government Association should create an updated model Code of Conduct produced in consultation with representative bodies of Councillors and Officers of all tiers of Local Government.

The Board of the Local Government Association on the 11th September 2019 agreed to commence reviewing the Code and in June 2020 they began consulting on a draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research and Information Team via an online questionnaire and by email. Over 1600 written responses to the consultation were received. In addition, workshops of members and Monitoring Officers took place to discuss the approach and content.

The final Model Code of Conduct for Councillors was approved by the LGA on 23 December 2020 and made available to all Local Authorities shortly thereafter. The stated purpose of the LGA’s Model Code is to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. The main provisions of the model Code were subsequently summarised in a Report to this Committee on 8th February 2021 where it was also determined that they should be incorporated into a review of Peterborough City Council’s own (and existing) Code. Recommendations were also made by the Scrutiny Committee Task and Finish group to the Constitution & Ethics Committee that the new model code should be adopted as members considered there were significant omissions in the existing code.

The Local Government Association are currently in the final stages of drawing up guidance to accompany the model Code and this is expected to be launched at its Annual General Meeting on 8th July 2021 and members will be signposted to this as soon as it becomes available.

4.3 **Review of Peterborough City Council’s Code of Conduct**
In producing this Report, the LGA’s Model Code has been amalgamated with Peterborough City Council’s existing Code of Conduct to also include the recommendations made by the Task and Finish Group following their review. The product of that exercise can be found at Appendix 1 of this Report and is recommended for approval by the Constitution and Ethics Committee.

5. **CONSULTATION**

5.1 The Local Government Association held a public stakeholder consultation as part of its overall review and in arriving at the final published version of the revised Model Code of Conduct.

5.2 Subject to the Constitution and Ethics Committee’s Agreement to the recommendations set out in this report, the proposed amendments to Peterborough City Council’s Code of Conduct will be presented to Full Council for approval. There will as part of that process be an opportunity for all members to debate the proposals before a final decision is taken as to whether or not they should be implemented.

5.3 Subject to the proposed amendments being finally approved by Full Council, the Monitoring Officer will consider what, if any, additional training needs exist and will also commence a period of engagement with Parish Clerks who will be encouraged and supported to amend their respective Codes with the aim of achieving consistency across the area.

6. **ANTICIPATED OUTCOMES OR IMPACT**

6.1 It is anticipated that Members of the Constitution and Ethics Committee will take this opportunity to review and update Peterborough City Council’s current Code of Conduct so as to bring it in line with current national standards and the recommendations made by the Committee on Standards in Public Life’s report on Local Government Ethical Standards.

7. **REASON FOR THE RECOMMENDATION**

7.1 The Council should consider introducing a new Code of Conduct to update its current arrangements to address the concerns highlighted by the LGA in its report on Civility in Public Life and the recommendations of the CSPL. In its role of promoting and maintaining member standards in the Council, the Constitution and Ethics Committee can make an effective contribution to the adoption of a new Code.

8. **ALTERNATIVE OPTIONS CONSIDERED**

8.1 Alternatives options considered but not recommended for approval include:

*Adopting the LGA Model Councillor Code in full without amendment.* Whilst the amended Peterborough City Council Code of Conduct incorporates the LGA’s Model Code, there are some minor local variations which it is considered enhance the content and have been recommended both by the Task and Finish Group and also as part of the amalgamation process. Adopting the LGA Model Code without amendment would compromise those enhancements.

*To do nothing.* Whilst Peterborough City Council’s current Code of Conduct is not unlawful, it does not incorporate the amendments recommended by the CSPL or, many of the provisions of the LGA’s Model Code. The LGA’s Model Code has been widely consulted on and provides and opportunity to update and refine our existing provisions in line with national standards.

9. **IMPLICATIONS**

Financial Implications
9.1 Whilst there is no immediate financial pressure, there is an ongoing requirement to ensure that principal, town and parish councillors receive adequate training as part of their induction and subsequent refresher training as required to ensure continued compliance.

Legal Implications

9.2 Local authorities are statutorily obliged to have in place a Code of Conduct based on the Nolan Principles which outlines the behaviour required of councillors.

Equalities Implications

9.3 There are none.

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

10.1 Local Government Ethical Standards Report to Constitution & Ethics Committee dated 11th March 2019

LGA Model code of Conduct Report to Constitution & Ethics Committee dated 8th February 2021.
https://democracy.peterborough.gov.uk/documents/s43353/Item%204.%20LGA%20Model%20Code%20of%20Conduct.pdf

Peterborough City Council Code of Conduct

Local Government Association Mode Councillor Code of Conduct (and Guidance when published)

11. APPENDICES

11.1 Appendix 1 – Marked up version of Peterborough City Council’s Model Code of Conduct.
Members’ Code of Conduct

Peterborough City Council
1. BACKGROUND

1.1. Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

(a) is a member of any committee or sub-committee of the authority; or
(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
(c) For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

1.2. Purpose of the Code of Conduct

The Members’ Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council. It is intended to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

1.3. Principles of Public Life

The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:

i. **Selflessness**

Holders of public office should act solely in terms of the public interest.

ii. **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
iii. **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

iv. **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

v. **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

vi. **Honesty**

Holders of public office should be truthful.

vii. **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. **GENERAL PRINCIPLES & APPLICATION**

2.1. **General principles of Councillor Conduct**

Everyone in public office at all levels; all who serve the public or deliver public services including ministers, civil servants, councillors and local authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty;
- I act lawfully;
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.
In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Everyone in public office at all levels; all who serve the public or deliver public services including ministers, civil servants, councillors and local authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty;
- I act lawfully;
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

2.2. Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor; and
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.
The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings;
- at online or telephone meetings;
- in written communication;
- in verbal communication;
- in non-verbal communication;
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

PART 1
GENERAL PROVISIONS

You are a member or co-opted member of Peterborough City Council and hence you shall have regard to the following principles—selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member—

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions and actions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should give reasons for those decisions and actions and restrict information only where the wider public interest clearly demands.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects
the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

3. STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

3.1. GENERAL CONDUCT

3.1.1. RESPECT

As a councillor I treat other councillors and members of the public with respect.

I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public’s expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority’s councillor-officer protocol.
3.1.2. BULLYING, HARASSMENT AND DISCRIMINATION

As a Councillor I do not:

- Bully any person; and/or
- Harass any person.

I promote equalities and do not discriminate unlawfully against any person.

The above should apply particularly at Full Council meetings.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person’s identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3.1.3. IMPARTIALITY OF OFFICERS OF THE COUNCIL

As a councillor I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.
3.1.4. CONFIDENTIALITY AND ACCESS TO INFORMATION

As a councillor I do not disclose information:

- given to me in confidence by anyone;
- acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
  - I have received the consent of a person authorised to give it;
  - I am required by law to do so;
  - the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the local authority; and
    - I have consulted the Monitoring Officer prior to its release.

I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

3.1.5. DISREPUTE

As a Councillor, I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public’s confidence in your or your local authority’s ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.
3.1.6. USE OF POSITION

As a Councillor, I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others’ private interests or to disadvantage anyone unfairly. This includes complying with Peterborough City Council’s Gifts and Hospitality Policy at Appendix 1.

3.1.7. I DO NOT MISUSE COUNCIL RESOURCES

I will, when using the resources of the local authority or authorising their use by others:

- act in accordance with the local authority’s requirements; and
- ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include; office support, stationery equipment such as phones, and computers, transport and access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority’s own policies regarding their use.

4. COMPLYING WITH THE CODE OF CONDUCT

As a Councillor:

- I undertake Code of Conduct training provided by my local authority on an annual basis and apply its principles in all aspects of my work as a councillor;
- I cooperate with any Code of Conduct investigation and/or determination;
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings;
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority’s processes in handling a complaint you should raise this with your Monitoring Officer. Protecting your reputation and the reputation of the local authority
5. INTERESTS

As a Councillor, I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest.

The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011. Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

5.1. Registration Requirements

You must, within 28 days of taking office as a member or co-opted member, or following your re-election or re-appointment to office, notify register with your authority’s monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State which falls within the categories set out in Table 1 and which the pecuniary interest is yours, your spouse’s or civil partner’s, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must also, within 28 days of taking office as a member or co-opted member, or following your re-election or re-appointment to office register with notify your authority’s monitoring officer of any disclosable pecuniary or non-pecuniary other personal interests which your authority has decided should be included in the register and which fall within the categories set out in Table 2.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

A ‘sensitive interest‘ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

If an interest has not been entered onto the authority’s register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a ‘sensitive interest’.

Following any disclosure of an interest not on the authority’s register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

5.2. NON-PARTICIPATION IN THE CASE OF A DISCLOSABLE PECUNIARY INTEREST

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.

Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest and you should discuss this with the Monitoring Officer.

5.3. DISCLOSURE OF OTHER REGISTERABLE INTERESTS

Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a non-statutory pecuniary or non-pecuniary interest as defined by your authority.

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.
5.4. DISCLOSURE OF NON-REGISTERABLE INTERESTS

You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests, seeking the advice of the Monitoring Officer as necessary on what needs to be declared.

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects:

(a) your own financial interest or well-being;
(b) a financial interest or well-being of a relative or close associate; or
(c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2, you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

(i) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
(ii) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.
5.5. SINGLE MEMBER ACTION

If you are empowered to discharge functions acting alone, and are aware that you have a
disclosable pecuniary interest or other interest in any matter being dealt with, you must not
take any steps, or any further steps, in relation to the matter (except for the purposes of
enabling the matter to be dealt with otherwise than by you).

If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a
Pending Notification, you must notify the Monitoring Officer of the Disclosable Pecuniary
Interest before the end of 28 days, beginning with the date of when you became aware of
the matter

6. RELATED DOCUMENTS

The following documents also provide guidance on the standards of conduct expected of members
and can assist in the interpretation of this Code of Conduct. These documents can be found in the
Council’s Constitution.

1. The Constitution & Ethics Committee Rules of Procedure set out the arrangements for
dealing with an alleged breach of this Code
2. PCC’s Planning Code of Conduct deals specifically with the Code of Conduct within the
remit of the Planning and Environmental Protection Committee
3. PCC’s Social Media Code for members sets out appropriate behaviour when using social
media and acting, or appearing to act, in your capacity as a councillor
4. PCC’s Member/Officer Protocol sets out how members and officers should work together
5. PCC’s Gifts and Hospitality Policy which sets out the procedures under which registration
and declaration of interests, gifts and hospitality are to be made.
TABLE 1 – DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You must declare an interest if:

- (a) it is your interest, or
- (b) it is an interest of:
  - (i) your spouse or civil partner;
  - (ii) a person with whom you are living husband and wife, or
  - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from PCC) made to the councillor during the previous 12-month period for any expenses incurred by you in carrying out your duties as a membercouncillor, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</td>
</tr>
<tr>
<td>Contracts</td>
<td>Any contract made between you or your spouse/civil partner or the person with whom you are living as if you were spouses/civil partners (for a firm in which such person is a partner or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of) and with PCC:</td>
</tr>
</tbody>
</table>
  - (a) under which goods or services are to be provided or works are to be executed; and
  - (b) which has not been fully discharged. This includes a contract between PCC and any body in which you, or a person specified in paragraph 8.2(b) below, has a beneficial interest |
| **Land and Property** | Any beneficial interest in land which is within PCC’s area.  

‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income. |
| **Licences** | Any licence (alone or jointly with others) to occupy land in the PCC’s area for a month or longer. |
| **Corporate Tenancies** | Any tenancy where (to your knowledge):  

(a) the landlord is PCC; and  

(b) the tenant is a body in which you or your spouse or civil partner or person with whom you are living as if you were spouses/civil partners is a partner or a director of or has a beneficial interest in the securities of, or a person listed in paragraph 8.2(b) below, has a beneficial interest. |
| **Securities** | Any beneficial interest in securities of a body where:  

(a) that body (to your knowledge) has a place of business or land in PCC’s area; and  

(b) either:  

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the person in paragraph 8.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

“Body in which the Relevant Person has a Beneficial Interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;  

“Director” includes a member of the committee of management of an industrial and provident society;  

“Land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;  

“M” means a member of a relevant authority;
“Member” includes a co-opted member;

“Relevant Authority” means the authority of which M is a member;

“Relevant Period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“Relevant Person” means M or any other person referred to in section 30(3)(b) of the Act;

i) M’s spouse or civil partner,
ii) A person with whom M is living as husband and wife, or
iii) A person with whom M is living as if they were civil partners.

“Securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

TABLE 2 – OTHER REGISTERABLE INTERESTS

You must register as an Other Registerable Interest:

(a) any unpaid directorships;

(b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;

(c) any body:

(i) exercising functions of a public nature;
(ii) directed to charitable purposes; or
(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management
INTRODUCTION

This Policy sets out guidance for elected members, co-opted members and independent members ("Members") on the principles governing the acceptance of gifts and hospitality.

Members are likely to be offered gifts or hospitality during the course of conducting Council business. This raises an initial question of deciding whether or not to accept. The acceptance of a gift or hospitality potentially creates a risk to the integrity and reputation of the Member as well as the Council itself. The overriding objective is to ensure transparency in the dealings of the Council, which in turn is a safeguard against this and any associated allegations of misconduct.

The fundamental principle of this Policy is that a Member should not do anything that might give rise to the inference that they have or may have been influenced by a gift or hospitality, to show bias for or against anybody or any organisation in carrying out their duties. Members are therefore strongly advised to be cautious and should consult the Monitoring Officer if they are in any doubt.

LAW AND GOVERNANCE

Legal Position

While there is now no specific statutory requirement for members/co-opted members to register the offer of gifts and hospitality, the Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.

Members’ Code of Conduct and Constitution

The Council’s Members’ Code of Conduct (Part 5, Section 1 of the Constitution) provides that you must serve the public interest, rather than acting in the interests of any particular individual or section of the community, and it is a breach of the Code to place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

GENERAL PRINCIPLES

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if it would normally be appropriate to accept a small gift or hospitality, you should not do so if it would be in breach of one or more of these principles:

- Never accept a gift or hospitality as an inducement or reward for anything you do as a Member.
- You must not be influenced in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.
- You should only accept a gift or hospitality if there is a commensurate benefit to the Council.
The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council that would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority through a working lunch. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the Council is clear and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

Never accept a gift or hospitality if acceptance might be open to misinterpretation.

The appearance of impropriety can be just as damaging to the Council and to you as a Member as actual impropriety. The Council’s ability to govern rests upon its reputation for acting fairly and in the public interest. You must consider whether acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favours any particular person, company, organisation or section of the community or as placing you under any improper obligation to any person or organisation. If so, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive and require the avoidance of any opportunity for such misunderstanding. These include:

- competitive procurement processes;
- determinations of planning applications or planning policy;
- funding decisions.

Never accept a gift or hospitality that puts you under an improper obligation. Some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, they may seek to use this fact to persuade you to determine an issue in their favour. If others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.

Never solicit a gift or hospitality in connection with your position as a Member and you should also take care to avoid giving any indication that you might be open to any such improper offer.

GIFTS

In general, all gifts should be refused, this includes all such offers from organisations or persons who do, or might provide work, goods or services to the Council or who need some decision from the Council. These rules also apply to discounts offered to an individual Member going beyond those offered to the general public (other than those available to all Members and Officers).

As general guidance, the following small gifts worth under an individual value of £50 or accumulative value of £100 (from a single source) over the course of a municipal year may occasionally be accepted (provided that they do not conflict with the General Principles):

- office equipment or stationery given by way of trade advertisements or for use in the office. Nothing more elaborate than calendars, pens or diaries would fall within this exception. (NB: You should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise).
- gifts of only token value given on the conclusion of an official courtesy visit, for example, a visiting delegation.
- Gifts e.g. a box of chocolates or flowers of a value less than £25 provided they are given as a genuine show of appreciation of work undertaken but should never be accepted if it may give rise to an appearance of influence or reward.
HOSPITALITY

Offers of hospitality should always be approached with caution and offers of hospitality where any suggestion of improper influence is possible must be refused.

Hospitality should only be accepted with the utmost caution, and on a scale appropriate, to the occasion or the circumstances. Acceptance may make it difficult to avoid some obligation to the party offering it and might later be thought to have affected a Member’s impartiality in dealing with official matters.

Some offers of hospitality are always unacceptable for example, offers of holiday accommodation. Others will need to be considered on their facts, for example, invitations to sporting fixtures, evenings at the theatre or similar entertainment should only be accepted when they are required for the conduct of Council business or can properly be considered to provide a commensurate benefit to the Council not the individual Member. Hospitality on a lower scale than this may also be unacceptable. No absolute dividing-line can be laid down.

There is an important difference between, for example, attendance in an official capacity at a function organised by a public authority and accepting hospitality from a private individual or firm standing to benefit from the goodwill of the Council. However, it will not always be possible or even desirable to reject offers of hospitality on a modest scale. Acceptable hospitality is that not exceeding an individual value of £50 or an accumulative value (from a single source) of £100 over the course of a municipal year such as official hospitality at a function organised by a public authority; a drink and sandwich following a site visit; or a working lunch of modest standard to enable business discussions. The decision whether to accept or not must depend on the circumstances in each case but hospitality should never be accepted if it may give rise to an appearance of influence or reward.

WILLS & BEQUESTS

If there is any connection between your work as a Member and being a beneficiary under a will, then you need to be cautious as the offer of any benefit will need to be considered carefully in accordance with the General Principles and if accepted, may need to be registered. You should discuss this matter fully with the Monitoring Officer before a decision is taken on acceptance or refusal.

SPONSORSHIP

Offers of sponsorship need to be treated carefully. If the offer is to sponsor the Council it should be referred to the Monitoring Officer who will consider the offer in accordance with the Council’s usual processes.

If the offer is to sponsor you as an individual, it should be dealt with in the same way as an offer of a gift or hospitality. In some cases such offers may be acceptable for example, where colleagues or others are sponsoring you for a charitable purpose. In other cases they may not be acceptable for example, where they are related in some way to the work of the Council or your role as a Member; involve significant sums; or seek specific outcomes for the person or organisation making the offer. If in doubt you should consult the Monitoring Officer.

GIFTS TO THE COUNCIL

You may at some time be offered a gift for the Council as opposed to a gift to you in your individual capacity as a Member. Such gifts could take several forms, for example: land, buildings, goods, services, either for the
Council to retain or test with a view to future acquisition; offers to carry out works, or provide services; or sponsorship of a Council-supported or organised function or activity. In such cases you should report the offer on receipt to the Monitoring Officer who will consider and determine in accordance with normal Council processes whether the Council should or should not accept the gift.

The Monitoring Officer will notify the person or the organisation offering the gift, whether it is accepted or not and will:

- Record the acceptance or non-acceptance;
- Record the outcome for audit purposes;
- Ensure the gift, if accepted, is properly applied for the benefit of the Council.

**GIFTS TO THE CHAIR**

Gifts received by the Chair in his or her official capacity are deemed to be gifts of the Council. The Chair should record the receipt of all such gifts in the Register and in consultation with the Monitoring Officer determine how best they may be used for the benefit of the Council.

**REGISTER**

In order to protect your integrity and that of the Council, and to counter any possible accusations or suspicion of improper conduct, the organisation will maintain a central register of gifts and hospitality.

All gifts and offers of hospitality accepted by you or your partner in accordance with the General Principles should be recorded on a Member Gifts and Hospitality Declaration Form (see Appendix A) and recorded centrally at giftsandhospitality@peterborough.gov.uk.

All declarations should be made within 28 days of receipt of offer and will be published on the Council’s website.

If you are in any doubt as to whether to accept or decline any gift, hospitality or sponsorship then you are advised to seek the Monitoring Officer’s advice before doing so. In order to do this you will need to advise the Monitoring Officer of the following:

- The nature and your estimate of the market value of the gift or hospitality;
- The name of the person or company offering the gift or hospitality;
- The connection which you have with the person or organisation making the offer or invitation such as any work which you have undertaken for the Council in which they have been involved;
- Any work, permission, concession or facility that you are aware that the person or organisation making the offer or invitation may seek from the Council;
- Any special circumstances that lead you to believe that acceptance would not be improper.

The Monitoring Officer will give you advice wherever possible but it will be a matter for you to make the decision as to whether to accept or decline.

You may also make a voluntary declaration to be entered on the Register of Gifts and Hospitality, even if you have declined the gift or hospitality or the value of the gift or hospitality is less than the maximum permissible amount. If you are concerned that an offer or its acceptance might be misinterpreted you may make such a voluntary declaration to ensure that there is nothing secret or underhand about the gift or hospitality or your actions.
WHAT DO I NEED TO DECLARE AT A MEETING?

If a matter under consideration at a meeting is likely to affect a person who gave you a gift or hospitality then you must declare the existence and nature of the gift or hospitality, the source who gave it to you and how the business under consideration relates to that source.
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Members’ Code of Conduct

Peterborough City Council
1. BACKGROUND

1.1. Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

(a) is a member of any committee or sub-committee of the authority; or
(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
(c) For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

1.2. Purpose of the Code of Conduct

The Members’ Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council. It is intended to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

1.3. Principles of Public Life

The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:

i. **Selflessness**

   Holders of public office should act solely in terms of the public interest.

ii. **Integrity**

   Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
iii. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

iv. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

v. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

vi. Honesty

Holders of public office should be truthful.

vii. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. GENERAL PRINCIPLES & APPLICATION

2.1. General principles of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services including ministers, civil servants, councillors and local authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty;
- I act lawfully;
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.
In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

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- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

2.2. Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor; and
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.
The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings;
- at online or telephone meetings;
- in written communication;
- in verbal communication;
- in non-verbal communication;
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

3. STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

3.1. GENERAL CONDUCT

3.1.1. RESPECT

As a councillor I treat other councillors and members of the public with respect.

I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public’s expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.
3.1.2. BULLYING, HARASSMENT AND DISCRIMINATION

As a Councillor I do not:

- Bully any person; and/or
- Harass any person.

I promote equalities and do not discriminate unlawfully against any person.

The above should apply particularly at Full Council meetings.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority’s performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3.1.3. IMPARTIALITY OF OFFICERS OF THE COUNCIL

As a councillor I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to...
understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

3.1.4. CONFIDENTIALITY AND ACCESS TO INFORMATION

As a councillor I do not disclose information:

- given to me in confidence by anyone;
- acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
  - I have received the consent of a person authorised to give it;
  - I am required by law to do so;
  - the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the local authority; and
    - I have consulted the Monitoring Officer prior to its release.

I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

3.1.5. DISREPUTE

As a Councillor, I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public’s confidence in your or your local authority’s ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can
bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

3.1.6. USE OF POSITION

As a Councillor, I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others’ private interests or to disadvantage anyone unfairly. This includes complying with Peterborough City Council’s Gifts and Hospitality Policy at Appendix 1.

3.1.7. I DO NOT MISUSE COUNCIL RESOURCES

I will, when using the resources of the local authority or authorising their use by others:

- act in accordance with the local authority’s requirements; and
- ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include; office support, stationery equipment such as phones, and computers, transport and access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority’s own policies regarding their use.

4. COMPLYING WITH THE CODE OF CONDUCT

As a Councillor:

- I undertake Code of Conduct training provided by my local authority on an annual basis and apply its principles in all aspects of my work as a councillor;
- I cooperate with any Code of Conduct investigation and/or determination;
Part 5, Section 1 – Members’ Code of Conduct

- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings;
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority’s processes in handling a complaint you should raise this with your Monitoring Officer. Protecting your reputation and the reputation of the local authority

5. INTERESTS

As a Councillor, I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest.

The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011. Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

5.1. Registration Requirements

You must, within 28 days of taking office as a member or co-opted member, or following your re-election or re-appointment to office, register with your authority’s monitoring officer any disclosable pecuniary interest which falls within the categories set out in Table 1 and where the pecuniary interest is yours, your spouse’s or civil partner’s, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must also, within 28 days of taking office as a member or co-opted member, or following your re-election or re-appointment to office register with your authority’s monitoring officer of any other personal interests which your authority has decided should be included in the register and which fall within the categories set out in Table 2.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.
"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

If an interest has not been entered onto the authority’s register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a ‘sensitive interest’.

Following any disclosure of an interest not on the authority’s register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

5.2. NON-PARTICIPATION IN THE CASE OF A DISCLOSABLE PECUNIARY INTEREST

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.

Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest and you should discuss this with the Monitoring Officer.

5.3. DISCLOSURE OF OTHER REGISTERABLE INTERESTS

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest.
You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

### 5.4. DISCLOSURE OF NON-REGISTERABLE INTERESTS

You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests, seeking the advice of the Monitoring Officer as necessary on what needs to be declared.

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects:

(a) your own financial interest or well-being;
(b) a financial interest or well-being of a relative or close associate; or
(c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2, you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

(i) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
(ii) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.
5.5. SINGLE MEMBER ACTION

If you are empowered to discharge functions acting alone, and are aware that you have a disclosable pecuniary interest or other interest in any matter being dealt with, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a Pending Notification, you must notify the Monitoring Officer of the Disclosable Pecuniary Interest before the end of 28 days, beginning with the date of when you became aware of the matter.

6. RELATED DOCUMENTS

The following documents also provide guidance on the standards of conduct expected of members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Council’s Constitution.

1. The Constitution & Ethics Committee Rules of Procedure set out the arrangements for dealing with an alleged breach of this Code

2. PCC’s Planning Code of Conduct deals specifically with the Code of Conduct within the remit of the Planning and Environmental Protection Committee

3. PCC’s Social Media Code for members sets out appropriate behaviour when using social media and acting, or appearing to act, in your capacity as a councillor

4. PCC’s Member/Officer Protocol sets out how members and officers should work together

5. PCC’s Gifts and Hospitality Policy which sets out the procedures under which registration and declaration of interests, gifts and hospitality are to be made.
TABLE 1 – DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You must declare an interest if:

(a) it is your interest, or

(b) it is an interest of:

(i) your spouse or civil partner;
(ii) a person with whom you are living husband and wife, or
(iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from PCC) made to the councillor during the previous 12-month period for for any expenses incurred by you in carrying out your duties as a councillor, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</td>
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</tbody>
</table>
| Contracts | Any contract made between you or your spouse/civil partner or the person with whom you are living as if you were spouses/civil partners (for a firm in which such person is a partner or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of) and PCC:  

(a) under which goods or services are to be provided or works are to be executed; and  

(b) which has not been fully discharged. |
| **Land and Property** | Any beneficial interest in land which is within PCC’s area  

‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income. |
| **Licences** | Any licence (alone or jointly with others) to occupy land in the PCC’s area for a month or longer. |
| **Corporate Tenancies** | Any tenancy where (to your knowledge):  

(a) the landlord is PCC; and  

(b) the tenant is a body in which you or your spouse or civil partner or person with whom you are living as if you were spouses/civil partners is a partner or a director of or has a beneficial interest in the securities of. |
| **Securities** | Any beneficial interest in securities of a body where:  

(a) that body (to your knowledge) has a place of business or land in PCC’s area; and  

(b) either:  

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the person in paragraph 8.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

“**Body in which the Relevant Person has a Beneficial Interest**” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;  

“**Director**” includes a member of the committee of management of an industrial and provident society;  

“**Land**” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;  

“**M**” means a member of a relevant authority;
“Member” includes a co-opted member;

“Relevant Authority” means the authority of which M is a member;

“Relevant Period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“Relevant Person” means M or any other person referred to in section 30(3)(b) of the Act;

i) M’s spouse or civil partner,
ii) A person with whom M is living as husband and wife, or
iii) A person with whom M is living as if they were civil partners.

“Securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**TABLE 2 – OTHER REGISTERABLE INTERESTS**

<table>
<thead>
<tr>
<th>You must register as an Other Registerable Interest:</th>
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<tbody>
<tr>
<td>(a) any unpaid directorships;</td>
</tr>
<tr>
<td>(b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;</td>
</tr>
<tr>
<td>(c) any body:</td>
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<tr>
<td>(i) exercising functions of a public nature;</td>
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<tr>
<td>(ii) directed to charitable purposes; or</td>
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<tr>
<td>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</td>
</tr>
<tr>
<td>of which you are a member or in a position of general control or management</td>
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PETERBOROUGH CITY COUNCIL
GIFTS AND HOSPITALITY POLICY

INTRODUCTION

This Policy sets out guidance for elected members, co-opted members and independent members ("Members") on the principles governing the acceptance of gifts and hospitality.

Members are likely to be offered gifts or hospitality during the course of conducting Council business. This raises an initial question of deciding whether or not to accept. The acceptance of a gift or hospitality potentially creates a risk to the integrity and reputation of the Member as well as the Council itself. The overriding objective is to ensure transparency in the dealings of the Council, which in turn is a safeguard against this and any associated allegations of misconduct.

The fundamental principle of this Policy is that a Member should not do anything that might give rise to the inference that they have or may have been influenced by a gift or hospitality, to show bias for or against anybody or any organisation in carrying out their duties. Members are therefore strongly advised to be cautious and should consult the Monitoring Officer if they are in any doubt.

LAW AND GOVERNANCE

Legal Position

While there is now no specific statutory requirement for members/co-opted members to register the offer of gifts and hospitality, the Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.

Members’ Code of Conduct and Constitution

The Council’s Members’ Code of Conduct (Part 5, Section 1 of the Constitution) provides that you must serve the public interest, rather than acting in the interests of any particular individual or section of the community, and it is a breach of the Code to place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

GENERAL PRINCIPLES

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if it would normally be appropriate to accept a small gift or hospitality, you should not do so if it would be in breach of one or more of these principles:

- Never accept a gift or hospitality as an inducement or reward for anything you do as a Member.
- You must not be influenced in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.
- You should only accept a gift or hospitality if there is a commensurate benefit to the Council.

5/15

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Part 5, Section 1 – Members’ Code of Conduct

- The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council that would not have been available but for the acceptance of that gift or hospitality.

- Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority through a working lunch. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the Council is clear and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

- Never accept a gift or hospitality if acceptance might be open to misinterpretation.

- The appearance of impropriety can be just as damaging to the Council and to you as a Member as actual impropriety. The Council’s ability to govern rests upon its reputation for acting fairly and in the public interest. You must consider whether acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favours any particular person, company, organisation or section of the community or as placing you under any improper obligation to any person or organisation. If so, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

- Certain occasions are particularly sensitive and require the avoidance of any opportunity for such misunderstanding. These include:
  - competitive procurement processes;
  - determinations of planning applications or planning policy;
  - funding decisions.

- Never accept a gift or hospitality that puts you under an improper obligation. Some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, they may seek to use this fact to persuade you to determine an issue in their favour. If others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.

- Never solicit a gift or hospitality in connection with your position as a Member and you should also take care to avoid giving any indication that you might be open to any such improper offer.

**GIFTS**

In general, all gifts should be refused, this includes all such offers from organisations or persons who do, or might provide work, goods or services to the Council or who need some decision from the Council. These rules also apply to discounts offered to an individual Member going beyond those offered to the general public (other than those available to all Members and Officers).

As general guidance, the following small gifts worth under an individual value of £50 or accumulative value of £100 (from a single source) over the course of a municipal year may occasionally be accepted (provided that they do not conflict with the General Principles):

- office equipment or stationery given by way of trade advertisements or for use in the office. Nothing more elaborate than calendars, pens or diaries would fall within this exception. (NB: You should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise).

- gifts of only token value given on the conclusion of an official courtesy visit, for example, a visiting delegation.

- Gifts e.g. a box of chocolates or flowers of a value less than £25 provided they are given as a genuine show of appreciation of work undertaken but should never be accepted if it may give rise to an appearance of influence or reward.
HOSPITALITY

Offers of hospitality should always be approached with caution and offers of hospitality where any suggestion of improper influence is possible must be refused.

Hospitality should only be accepted with the utmost caution, and on a scale appropriate, to the occasion or the circumstances. Acceptance may make it difficult to avoid some obligation to the party offering it and might later be thought to have affected a Member’s impartiality in dealing with official matters.

Some offers of hospitality are always unacceptable for example, offers of holiday accommodation. Others will need to be considered on their facts, for example, invitations to sporting fixtures, evenings at the theatre or similar entertainment should only be accepted when they are required for the conduct of Council business or can properly be considered to provide a commensurate benefit to the Council not the individual Member. Hospitality on a lower scale than this may also be unacceptable. No absolute dividing-line can be laid down.

There is an important difference between, for example, attendance in an official capacity at a function organised by a public authority and accepting hospitality from a private individual or firm standing to benefit from the goodwill of the Council. However, it will not always be possible or even desirable to reject offers of hospitality on a modest scale. Acceptable hospitality is that not exceeding an individual value of £50 or an accumulative value (from a single source) of £100 over the course of a municipal year such as official hospitality at a function organised by a public authority; a drink and sandwich following a site visit; or a working lunch of modest standard to enable business discussions. The decision whether to accept or not must depend on the circumstances in each case but hospitality should never be accepted if it may give rise to an appearance of influence or reward.

WILLS & BEQUESTS

If there is any connection between your work as a Member and being a beneficiary under a will, then you need to be cautious as the offer of any benefit will need to be considered carefully in accordance with the General Principles and if accepted, may need to be registered. You should discuss this matter fully with the Monitoring Officer before a decision is taken on acceptance or refusal.

SPONSORSHIP

Offers of sponsorship need to be treated carefully. If the offer is to sponsor the Council it should be referred to the Monitoring Officer who will consider the offer in accordance with the Council’s usual processes.

If the offer is to sponsor you as an individual, it should be dealt with in the same way as an offer of a gift or hospitality. In some cases such offers may be acceptable for example, where colleagues or others are sponsoring you for a charitable purpose. In other cases they may not be acceptable for example, where they are related in some way to the work of the Council or your role as a Member; involve significant sums; or seek specific outcomes for the person or organisation making the offer. If in doubt you should consult the Monitoring Officer.

GIFTS TO THE COUNCIL

You may at some time be offered a gift for the Council as opposed to a gift to you in your individual capacity as a Member. Such gifts could take several forms, for example: land, buildings, goods, services, either for the
Council to retain or test with a view to future acquisition; offers to carry out works, or provide services; or sponsorship of a Council-supported or organised function or activity. In such cases you should report the offer on receipt to the Monitoring Officer who will consider and determine in accordance with normal Council processes whether the Council should or should not accept the gift.

The Monitoring Officer will notify the person or the organisation offering the gift, whether it is accepted or not and will:

- Record the acceptance or non-acceptance;
- Record the outcome for audit purposes;
- Ensure the gift, if accepted, is properly applied for the benefit of the Council.

GIFTS TO THE CHAIR

Gifts received by the Chair in his or her official capacity are deemed to be gifts of the Council. The Chair should record the receipt of all such gifts in the Register and in consultation with the Monitoring Officer determine how best they may be used for the benefit of the Council.

REGISTER

In order to protect your integrity and that of the Council, and to counter any possible accusations or suspicion of improper conduct, the organisation will maintain a central register of gifts and hospitality.

All gifts and offers of hospitality accepted by you or your partner in accordance with the General Principles should be recorded on a Member Gifts and Hospitality Declaration Form (see Appendix A) and recorded centrally at giftsandhospitality@peterborough.gov.uk.

All declarations should be made within 28 days of receipt of offer and will be published on the Council’s website.

If you are in any doubt as to whether to accept or decline any gift, hospitality or sponsorship then you are advised to seek the Monitoring Officer’s advice before doing so. In order to do this you will need to advise the Monitoring Officer of the following:

- The nature and your estimate of the market value of the gift or hospitality;
- The name of the person or company offering the gift or hospitality;
- The connection which you have with the person or organisation making the offer or invitation such as any work which you have undertaken for the Council in which they have been involved;
- Any work, permission, concession or facility that you are aware that the person or organisation making the offer or invitation may seek from the Council;
- Any special circumstances that lead you to believe that acceptance would not be improper.

The Monitoring Officer will give you advice wherever possible but it will be a matter for you to make the decision as to whether to accept or decline.

You may also make a voluntary declaration to be entered on the Register of Gifts and Hospitality, even if you have declined the gift or hospitality or the value of the gift or hospitality is less than the maximum permissible amount. If you are concerned that an offer or its acceptance might be misinterpreted you may make such a voluntary declaration to ensure that there is nothing secret or underhand about the gift or hospitality or your actions.
WHAT DO I NEED TO DECLARE AT A MEETING?

If a matter under consideration at a meeting is likely to affect a person who gave you a gift or hospitality then you must declare the existence and nature of the gift or hospitality, the source who gave it to you and how the business under consideration relates to that source.
**CONSTITUTION AND ETHICS**

**AGENDA ITEM No. 5**

14 JULY 2021

**PUBLIC REPORT**

<table>
<thead>
<tr>
<th>Report of:</th>
<th>Fiona McMillan, Corporate Director of Governance</th>
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<tr>
<td>Cabinet Member(s) responsible:</td>
<td>Councillor Fitzgerald, Leader</td>
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<tr>
<td>Contact Officer(s):</td>
<td>Amy Brown, Deputy Monitoring Officer 01733 452 617</td>
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**CRIMINAL RECORD CHECKS FOR MEMBERS AND CO-OPTED MEMBERS**

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<th>RECOMMENDATIONS</th>
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**FROM:** Fiona McMillan, Corporate Director of Governance  
**Deadline date:** For Full Council on 28th July 2021.

Members of the Constitution and Ethics Committee are asked to:

- Consider the introduction of Criminal record checks for members and co-opted members;
- Determine what if any additional members should be requested to submit to an Enhanced (Without Barred List) Check; and
- Subject to agreement of the above, recommend the proposed Member Criminal Records Check Policy at Appendix 1 for approval by Full Council;

1. **ORIGIN OF REPORT**

1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Monitoring Officer in conjunction with the Assistant Director for Early Help and Children's Services.

2. **PURPOSE AND REASON FOR REPORT**

2.1 Peterborough City Council maintains a DBS Policy in relation to its employees, volunteers, applicants and others engaged in service provision with children or vulnerable adults including foster carers and adopters. The same provisions do not exist in relation to Members and this Report therefore invites members of the Constitution and Ethics Committee to consider and if agreed, recommend the draft Member Criminal Records Check Policy for approval by Full Council.
2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2:

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 co-opted 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

<table>
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<th>Is this a Major Policy Item/Statutory Plan?</th>
<th>NO</th>
<th>If yes, date for Cabinet meeting</th>
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<td>Date for relevant Council meeting</td>
<td>28.07.2021</td>
<td>Date for submission to Government Dept. (Please specify which Government Dept.)</td>
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4. BACKGROUND, KEY DEFINITIONS & LEVELS OF DBS CHECK

4.1 BACKGROUND

The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012 (“PFA”) and provides a procedure through which organisations may carry out a criminal record check (“DBS Check”) related to individuals who may, on behalf of the organisation, undertake work or hold positions or responsibilities which could bring them into contact with vulnerable persons. In addition, the DBS is also responsible for investigating safeguarding concerns and maintaining statutory lists containing details of people considered unsuitable to work with children and/or adults (“Barred Lists”).

Individuals on a Barred List for children and/or adults cannot undertake certain statutorily prescribed activities (“Regulated Activities”) and it is a criminal offence for organisations to allow an individual to do so without first checking their status.

Elections legislation provides some safeguards by barring individuals from standing for election if they have been convicted of a criminal offence within the last 5 years and received in excess of 3 months’ imprisonment. However, this in itself is not always considered sufficient and it is therefore open to Councils to determine what if any additional checks may be required provided that they are consisted with recommended practices in this area.
KEY DEFINITIONS

Regulated Activity is work that a barred person must not do. It is defined in the Safeguarding Vulnerable Groups Act 2006 ("SVGA") which has been amended by the Protection of Freedoms Act 2012 (PFA) and must be considered either in the context of children or adults.

Regulated Activity in relation to Children

Regulated Activity in this context with reference to what activity the person does, how often the person does it and where the work will be carried out and can be summarised as follows:

1. Unsupervised activities: teaching, training, instructing, caring for or supervising children, or providing advice/guidance on well-being, moderating a web service wholly or mainly for children or driving a vehicle only for children;
2. Work for a limited range of specified establishments with opportunity for contact: for example, schools, children's homes, childcare premise but not work by supervised volunteers.
3. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
4. Registered child-minding; and foster-carers.

Work under 1 or 2 is Regulated Activity only if done regularly i.e. more than temporary and occasion which is defined to be more than 3 days in a 30-day period or overnight between 2 a.m. and 6 a.m. with the opportunity to for face-to-face contact with children. More detailed information can be found in the DBS Guidance on Regulated Activity with Children in England.

Regulated activity in relation to Adults

Regulated Activity in this context need only occur once and is defined as:

1. Providing health care;
2. Providing personal care (e.g. providing/training/instructing/or offering advice or guidance on physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability; or prompting and supervising an adult to undertake such activities where necessary because of their age, illness or disability);
3. Providing social work;
4. Providing assistance with cash, bills and/or shopping;
5. Providing assistance in the conduct of a person's own affairs, e.g. by virtue of an enduring power of attorney; vi. Conveying- transporting an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This will not include family and friends or taxi drivers.

More detailed information can be found in the DBS Guidance on Regulated Activity with Children in England.
4.3 LEVELS OF DBS CHECK

There are different levels of check that can be undertaken:

“Basic Disclosure”  This check is available for any individual for any purpose, there are no eligibility criteria. The check provides details of convictions considered unspent.

“Standard”  Contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation.

“Enhanced (Without Barred List)”  An enhanced level certificate contains details of all spent and unspent convictions, cautions, reprimands and final held on the PNC which have not been filtered in line with legislation and also includes a check of information held locally by police forces.

“Enhanced (With Barred List)”  This check contains the same details as an Enhanced DBS Check above but will in addition check against the children’s and/or adult’s barred lists. The barred lists contain details of those who are considered unsuitable to work with children and/or adults. People on the barred lists can’t do certain types of work.

To be eligible to request a check of the children’s or adults’ barred lists, the position must involve the performance of Regulated Activities and be eligible for an enhanced level DBS certificate as above and be specifically included in the Police Act 1997 (Criminal Records) Regulations as able to check the appropriate barred list(s).

5 CRIMINAL RECORDS CHECKS FOR MEMBERS AND CO-OPTED MEMBERS

The level of DBS Check that can be submitted for a Member or Co-Opted Member depends on the role that is being carried out.

A Basic Disclosure

Can be obtained for any person and for any reason (with permission). However, Members or Co-Opted Members are not required to be checked by virtue only of their position.

It has been recommended within the draft Policy that the need for a Basic Disclosure should be assessed on a case by case basis where the Member’s activities do not meet the requirements for a Standard or Enhanced Check but where they for example attend community events, take surgeries or visit local residents in their own home and have access to the general public including children.

A Standard DBS Check

May only be obtained if the position is included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (‘the ROA Exceptions Order’) which includes regulated activities ‘working with adults or children’. 
It has been recommended within the draft Policy that the need for a Standard DBS Check should again be assessed on a case by case basis and dependent upon the activities that are being carried out. Members may request a criminal record check at any time but otherwise the decision as to whether one is required to be completed will be made in consultation with the Monitoring Officer.

**An Enhanced (Without Barred List) Check**

May only be obtained if the position is included in both the ROA Exceptions (as above) and in the Police Act 1997 (Criminal Records) Regulations 2002 as amended (the “Police Act Regulations 2002”).

**Work in Relation to Children:**

The Police Act Regulations 2002 set out the roles which are eligible for Enhanced DBS Checks. This includes a provision at s.5C(a) which states that they may be obtained in order to consider an:

“applicant’s suitability to engage in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the SVPA 2006 as it has effect immediately before the coming into force of section 64 of the PFA.”

This includes a person who is a member of a relevant local government body if:

- he is a member of a local authority and discharges any education functions or social services functions of a local authority;
- he is a member of an executive of a local authority which discharges any such functions;
- he is a member of a committee of an executive of a local authority which discharges such functions;
- he is a member of an area committee, or any other committee, of a local authority which discharges such functions. This includes a reference to any sub-committee which discharges any such functions.

**Work in Relation to Adults:**

The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013 definition of work with adults sets out which roles are eligible and include a provision at 5B(1)(g) which includes the exercise of a function of a person who is:

- a member of a local authority and discharges any social services functions of a local authority which relate wholly or mainly to adults who receive a health or social care service or a specified activity within the meaning of paragraph (9) or a specified activity within the meaning of paragraph;
- a member of an executive of a local authority which discharges any such functions;
- a member of a committee of an executive of a local authority which discharges any such functions; or
- a member of an area committee.

Having regard to the above it is recommended within the draft Policy that Enhanced (Without Barred List) Checks are carried out in respect of all Members and Co-Opted Members of the
Corporate Parenting Committee or such other committee as the Monitoring Officer may deem appropriate (“the Relevant Committees”).

Outside the above arrangements checks may be made on a case-by-case basis in consultation with the Monitoring Officer.

An Enhanced (With Barred List) Check

May only be obtained where the role requires the performance or Regulated Activities and where it meets the criteria for an Enhanced (Without Barred List) Check and is specifically listed in the ROA Exceptions Order as permissible. It is therefore acknowledged within the Policy that it is unlikely that Members will be required to submit to such a Check and permission will be sought on a case by case basis in consultation with the Monitoring Officer.

6 DRAFT MEMBER CRIMINAL RECORDS CHECK POLICY

The Report of Inspection of Rotherham Borough Council produced by Louise Casey CB in February 2015 highlighted that Members had not been DBS checked consistently and highlighted this as a weakness in the authority’s scrutiny and standards.

An Interim Report of the Independent Inquiry into Child Sexual Abuse published in April 2018 recognises that institutions must do all they can to ensure that those working or volunteering within them are suitable for the work they do and do not represent a risk to children. The same principles would apply to vulnerable adults.

Having regard to the above and the ongoing attention to the requirement for Members to submit to criminal record checks in appropriate circumstances, the Constitution and Ethics Committee are invited to consider whether Peterborough City Council should set out its position as a matter of policy so as to ensure that a transparent and systematic approach is being followed.

The draft Member Criminal Records Check Policy (Appendix 1) proposes an approach which meets Peterborough City Council’s governance requirements whilst also recognising the right to respect for private life under Article 8 of the European Convention on Human Rights.

7 CONSULTATION

7.1 Subject to the Constitution and Ethics Committee’s agreement to the recommendations set out in this report, the proposed implementation of the draft Policy at Appendix 1 will be presented to Full Council for approval. There will as part of that process be an opportunity for all members to debate the proposals before a final decision is taken as to whether the Policy should be formally adopted.

8. ANTICIPATED OUTCOMES OR IMPACT

8.1 It is anticipated that the Constitution and Ethics Committee will recommend the proposed approach and draft Policy for approval by Full Council.

9. REASON FOR THE RECOMMENDATION

9.1 It is recommended that the Policy is approved so as to ensure that the Council has a transparent
and consistent means through which to meet its statutory and general safeguarding obligations in relation to its Members and Co-Opted Members.

10 ALTERNATIVE OPTIONS CONSIDERED

10.1 To Carry out No Checks

Without any checks taking place it would not be possible to assess an individual’s background or determine their suitability for a particular role (such as participation in the Relevant Committees). Consequently to ensure that adequate steps are taken to protect those who are most vulnerable in society it is proposed that this option is rejected.

To obtain a Basic Disclosure for all Members and Co-Optees

The Council can request Basic Disclosure in respect of any elected Member or co-optee with their permission and this gives information sufficient for most Council roles. Some Councils have taken this approach and consider it advantageous for example to increasing public confidence and in meeting its duty of care to service users and the public by enabling the identification of potential risks. Nevertheless, having regard to the safeguards already in place under elections legislation and the overall proportionality of this approach it is proposed that this option is rejected in favour of arrangements instead being made on a case by case basis as appropriate. It is open for Members or Co-Opted Members to volunteer for a Basic Disclosure at any time.

To carry out Enhanced DBS checks with a check of the barred lists

The council has a duty to seek an Enhanced Check in respect of anyone who is undertaking a Regulated Activity on its behalf. Save in exceptional circumstances members are highly unlikely to meet these criteria in the performance of their ordinary activities and would not otherwise be eligible by virtue only of their position as a Member of Co-Opted Member. Consequently this option was rejected as it is unlawful to check the Barred Lists unless Regulated Activities are being carried out.

To carry out Standard or Enhanced DBS checks in relation to all Members

The Council is only entitled to request that DBS checks are carried out in relation to Members who meet the statutory requirements set out at Section 5 of this Report. The Council is not, therefore entitled to request Standard or Enhanced checks for all Members and this option was therefore rejected again on grounds of legality. However, in accordance with the draft Policy, all Members meeting the relevant statutory requirements must consent to an Enhanced (Without Barred List) Check.

11. IMPLICATIONS

11.1 Financial Implications

The financial implications will be limited to the cost of obtaining Enhanced (Without Barred List) checks for all relevant members identified in Section 5. The current unit cost of obtaining such a check is £40 and there are 11 members of the Corporate Parenting Committee. It is proposed that the check is obtained upon appointment to the Committee or as soon as reasonably practicable thereafter/after implementation of this Police and then every 4 years unless there is a requirement to do otherwise.

11.2 Legal Implications

The proposals set out in this Report are designed to ensure that the Council maintains appropriate
standards of governance in complying with its statutory obligations in relation to Member involvement in Regulated and other Activities carried out on its behalf.

There are Human Rights responsibilities in so far as the carrying out of a DBS check infringes an individual’s right to respect for private life given that enhanced checks could lead to disclosures of personal sensitive information which may otherwise be considered confidential or ‘spent’ for the purpose of the Rehabilitation of Offenders Act. This could deter members from standing for election or for particular roles even where the individual simply objects to interference with privacy rather than seeking to hide significant evidence of risk. This may be considered to be outweighed however by the public interest in giving assurance to vulnerable people and to society at large that elected members in a position of trust have undergone a level of vetting and scrutiny as to their suitability to discharge specific aspects of public service rather than in relation to their private lives.

11.3 Equalities Implications

The proposals set out in this Report do not engage or infringe Peterborough City Council’s obligations under equalities legislation.

12. BACKGROUND DOCUMENTS

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

12.1 DBS Guidance in relation to Regulated Activity with Children in England:


DBS Guidance in relation to Regulated Activity with Adults in England:


DBS Guide in relation to Eligibility for DBS Checks:

https://dbsdirect.co.uk/resources/Posts%20eligible%20for%20DBS.pdf

13. APPENDICES

13.1 Appendix 1 – Draft Member Criminal Record Check Policy
MEMBERS’ CRIMINAL RECORD CHECK POLICY

1. Purpose and Scope

Peterborough City Council is committed to protecting the wellbeing of the public and those individuals in its care who are considered to be especially vulnerable or at risk and in particular, children and vulnerable adults.

The Council undertakes:

- Not to knowingly permit persons on a barred list to engage in regulated activity;
- To refer persons to the Disclosure and Barring Service if we believe they have harmed or pose a risk of harm to children and vulnerable adults.

This Policy applies to all Members and Co-Opted Members carrying out activities in their official capacity for and/or on behalf of Peterborough City Council.

2. Responsibilities

Criminal record checks play an important part in ensuring that safeguarding responsibilities are appropriately met.

The Head of Constitutional Services will undertake the following checks:

- an Enhanced DBS Check to include the barred lists in respect of every Member and Co-Opted Member whose official activities are regulated activities.

- an Enhanced DBS Check (excluding the barred lists) in respect of every Member and Co-Opted Member (and their nominated substitutes) assigned to the Corporate Parenting Committee or such future eligible Committees ("Relevant Committees") which the Monitoring Officer considers should be included.

- a Standard or Basic check as considered necessary on a case by case basis.

Where a Criminal Record Check has already been completed in respect of a Member or Co-Opted Member in accordance with the above arrangements, no further check will be required unless a period of 4 years has elapsed and/or there has been a change in activities/circumstances which require a higher level of check to be completed.

No criminal record checks will be completed without the permission of the Member or Co-Opted Member who will be requested to sign a form of consent both in relation to this and enabling Peterborough City Council to retain the result for such period as is necessary to assess their appointment to/continued membership of the Relevant Committees.

Criminal record checks and any subsequent risk assessment will remain strictly confidential as between the Member or Co-Opted Member concerned and any persons whose involvement is specified in this Policy as being required.
Every effort will be made to ensure that criminal record checks are completed within 14 days of a Member or Co-Opted Member’s initial appointment to a Relevant Committee and/or as otherwise required.

Where Peterborough City Council has specified that a criminal record check is required either in relation to Regulated Activity, the Relevant Committees and/or as otherwise determined necessary, participation in those activities may be limited and in some instances, discontinued until such time as the result has been returned.

Any Member or Co-Opted Member can volunteer for a criminal record check at any time and must consult the Head of Constitutional Services as a matter of urgency if they consider that their activities are such that this it is a requirement to do so. It will be a requirement where those activities are Regulated Activities and/or if they fall within the definition of the ROA Exceptions Order and the Police Acts.

### 3. Types of Criminal Record Check

The following forms of Criminal Record Check are available:

- **“Basic Disclosure”**
  This check is available for any individual for any purpose, there are no eligibility criteria. The check provides details of convictions considered unspent.

- **“Standard”**
  This check may only be obtained if the position is included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 ("the ROA Exceptions Order"). The check provides details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation.

- **“Enhanced (Without Barred List)”**
  This check may only be obtained if the position is included in the ROA Exceptions Order and in Police Act Regulations. The check provides details of all spent and unspent convictions, cautions, reprimands and final held on the PNC which have not been filtered in line with legislation and also includes a check of information held locally by police forces.

- **“Enhanced (With Barred List)”**
  This check may only be obtained if the position involved the performance of Regulated Activities and meets the criteria specified above for an Enhanced (Without Barred List) Check. The check provides the same details as an Enhanced DBS Check above but will in addition check against the children’s and/or adult’s barred lists. The barred lists contain details of those who are considered unsuitable to work with children and/or adults. People on the barred lists can’t do certain types of work.
4. Relevant Legislation

**ROA Exceptions Order**

The ROA Exceptions Order specifies the roles/activities which are eligible for Standard Checks and form part of the requirements for an Enhanced DBS Check.

Whilst Members and Co-Opted Members are not one of the specifically listed occupations, persons engaging in the following activities will be regarded as eligible:

- any worked defined as regulated activity relating to children within the meaning of Schedule 4, Part 1 of the Safeguarding Vulnerable Groups Act 2006;
- any work defined as ‘work with children’ in regulation 5C of the Police Act 1997 (Criminal Records) Regulations 2002;
- Any work defined as regulated activity relating to adults within the meaning of Schedule 4, Part 2 of the Safeguarding Vulnerable Groups Act 2006 (as summarised below);
- Any work defined as ‘work with adults’ in regulation 5B of the Police Act 1997 (Criminal Records) Regulations 2002;
- Any office or employment which is concerned with and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of the following services
  - the provision of care services to vulnerable adults;
  - the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment.

**The Police Acts**

The Police Acts specify the roles/activities which form part of the requirement for an Enhanced DBS Check (with or without barred lists).

*In relation to ‘work with children’:* 

The Police Act 1997 (Criminal Records) Regulations 2002 as amended sets out the roles which are eligible for Enhanced DBS Checks in relation to children. In particular, this includes a provision at s.5C(a) which states that they may be obtained in order to consider an:

“applicant’s suitability to engage in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the SVPA 2006 as it has effect immediately before the coming into force of section 64 of the PFA.”

This includes a person who is a member of a relevant local government body if:

- he is a member of a local authority and discharges any education functions or social services functions of a local authority;
- he is a member of an executive of a local authority which discharges any such functions;
• he is a member of a committee of an executive of a local authority which discharges such functions
• he is a member of an area committee, or any other committee, of a local authority which discharges such functions. This includes a reference to any sub-committee which discharges any such functions.

In relation to ‘work with adults’:

The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2013 as amended sets out the roles which are eligible for Enhanced DBS Checks in relation to adults. In particular, paragraph 5B(1)(g) includes the following persons:

• a member of a local authority and discharges any social services functions of a local authority which relate wholly or mainly to adults who receive a health or social care service or a specified activity within the meaning of paragraph (9) or a specified activity within the meaning of paragraph;
• a member of an executive of a local authority which discharges any such functions;
• a member of a committee of an executive of a local authority which discharges any such functions; or
• a member of an area committee.

The Safeguarding Vulnerable Persons Act 2006

The Safeguarding Vulnerable Persons Act 2006 (“SVPA 2006”) as amended sets out the definition of Regulated Activities the performance of which necessitates an Enhanced (With Barred List) Check. Regulated Activities can be broadly summarised as follows:

In relation to children:

1. Unsupervised activities: teaching, training, instructing, caring for or supervising children, or providing advice/guidance on well-being, or driving a vehicle only for children;
2. Work for a limited range of establishments (‘specified places’), with opportunity for contact: for example, schools, children’s homes, childcare premises. Not work by supervised volunteers.
3. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
4. Registered child-minding; and foster-carers.

Work under 1 or 2 is Regulated Activity only if done regularly i.e. more than temporary and occasion which is defined to be more than 3 days in a 30-day period or overnight between 2 a.m. and 6 a.m. with the opportunity to for face-to-face contact with children.
In relation to adults:

1. Providing health care;
2. Providing personal care (e.g. providing/training/instructing/or offering advice or guidance on physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult’s age, illness or disability; or prompting and supervising an adult to undertake such activities where necessary because of their age, illness or disability);
3. Providing social work;
4. Providing assistance with cash, bills and/or shopping;
5. Providing assistance in the conduct of a person’s own affairs, e.g. by virtue of an enduring power of attorney; vi. Conveying- transporting an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This will not include family and friends or taxi drivers.

5. Results - Risk Assessment

Risk assessments are required to decide whether the risk of continuing to engage the Member or Co-Opted Member in certain duties can be taken and what precautions and safeguards would be needed to manage and minimise that risk as appropriate.

If a completed criminal record check highlights any disclosure information a risk assessment will be undertaken by the Head of Constitutional Services in consultation with the LADO as necessary. The Head of Constitutional Services will also confirm what if any duties the Member or Co-Opted member is able to fulfil pending the outcome of the assessment.

In undertaking the assessment, consideration will be given to the following factors:

- how relevant the offence is to the position undertaken;
- the nature of the individual’s duties and whether the conviction may undermine the Council’s trust in them performing or continuing to perform those duties;
- whether any safeguards can be put in place to reduce/remove any risk;
- the seriousness of the offence or matter revealed and its relevance to the safety of other employees, customers, clients or property;
- the age of the individual at the time of committing the offence;
- the individual’s subsequent record and length of time since the offence occurred;
- whether the offence was a one off, a pattern or part of a history of offending;
- whether the individual’s circumstances have changed since the offence was committed making re-offending less likely;
- whether the offence has been decriminalised by Parliament; and
- the degree of remorse, or otherwise, expressed by the individual and their motivation to change.

This list is not exhaustive and the Head of Constitutional Service must consider the full degree of risk and determine the action required. Prior to making any final determination, the Member will be offered the opportunity to comment on the disclosure and will be notified of the decision as practicable after it has been made. Where the member disagrees with the outcome of the risk assessment, the matter will be referred to the Monitoring Officer who will make a final determination in consultation with the relevant Group Leader.
6. Referral to the Disclosure and Barring Service

Peterborough City Council will refer any Member of Co-Opted Member who it believes has harmed or may pose a risk of harm to children or vulnerable adults to the Disclosure and Barring Service.
UPDATE TO PETITION SCHEME

RECOMMENDATIONS

FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer
Deadline date: N/A

It is recommended that the Constitution and Ethics Committee:

1. Endorse the proposed amendment to the Petition Scheme so as to include grounds for refusing a petition in circumstances where it relates to a decision that has already been taken by the Council; and,
2. If agreed, refers the proposal to the next meeting of Full Council for approval.

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 for the Constitution and Ethics Committee to review the Council’s Petitions Scheme in relation to decisions that have already been taken by the Council. This is in light of recent decisions taken by the Council, including decisions taken by the Council’s Planning and Environmental Protection Committee.

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 |

4. BACKGROUND AND KEY ISSUES

PETITION SCHEME – DECISIONS ALREADY TAKEN

4.1 Following feedback in relation to the practicality of the Council’s Petition Scheme, the below addition at 4.4 is suggested. This addition would disqualify any petitions that sought action on a decision that had already been taken. The aim of this addition would be to avoid receiving petitions that could not then be actioned.

This area was examined by the Committee in October 2020 and it was agreed at that stage not to recommend any alterations to the scheme to Full Council.

4.2 This area has been highlighted by the planning application in relation to the Ken Stimpson School and the erection of a fence around part of the playing fields which was approved by the Planning and Environmental Protection Committee on 10 March 2020.

4.3 A number of subsequent petitions were received by the Council, including a petition to implement and ‘open space triple lock’ in January 2021. This again requested that the Council consider the planning requirements around decisions on public open spaces, as a more general response to the above-mentioned Ken Stimpson School fence proposal.

4.4 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.
- Related to a function the Council is not responsible for and/or could not influence.
- Related to a decision by the Council that has already been taken.
- Otherwise inappropriate.

5. CONSULTATION

5.1 Consultation has been undertaken with officers within Constitutional Services who support the Full Council and committee meetings.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 It is anticipated that should the recommendation on the petition scheme be agreed at Full Council that petition scheme will be amended accordingly.

7. REASON FOR THE RECOMMENDATION

7.1 To ensure that the Council’s resources are used in an effective and efficient manner while maintaining an open and transparent decision-making process.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 To keep the current petition scheme as it is and not making any further recommendations.
9. **IMPLICATIONS**

   **Financial Implications**

   9.1 There are none.

   **Legal Implications**

   9.2 There are none.

   **Equalities Implications**

   9.3 There are none.

10. **BACKGROUND DOCUMENTS**

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

   10.1 Council Petitions Scheme

11. **APPENDICES**

   11.1 None.
Report of: Fiona McMillan, Corporate Director of Governance
Cabinet Member(s) responsible: Councillor Cereste, Cabinet Member
Contact Officer(s): Philippa Turvey, Democratic and Constitutional Services Manager
Daniel Kalley – Senior Democratic Services Officer

CODE OF CONDUCT COMPLAINTS

RECOMMENDATIONS

From: Monitoring Officer
Deadline date: N/A

It is recommended that the Constitution and Ethics Committee:

1. Note the report on complaints received/being handled by the Monitoring Officer since the Committee’s last meeting on 8th February 2021.

1. ORIGIN OF REPORT

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

2. PURPOSE AND REASON FOR REPORT

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

To assist in the fulfilment of the above objective it has been agreed that a standing item is placed on the agenda for the committee notifying and updating it on complaints that have been made, how they are being handled and whether they have been resolved. The committee decided that these should be reported in an anonymous way until such time as a breach of the code of conduct is found as part of the complaints process.

This Report fulfils the requirements set out above.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2.

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 including:

- promoting and maintaining high standards of conduct by members and co-opted 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;
- Monitoring the operation of the Code 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 |

4. BACKGROUND AND KEY ISSUES

4.1 NEW COMPLAINTS

City Councillors

Since the Committee’s last report on 8th February 2021 there have been 4 new complaints received in relation to city councillors. The new complaints received include:

- CONDCOMP/PCC/16. On 8th May 2021, a complaint was made by a member of the public regarding a verbal exchange between them and the subject member. The subject member is accused of refusing to speak to the complainant on grounds of them being a racist with white privilege. The complainant considered that the subject member’s behaviour was rude, disrespectful and discriminating. The complaint was shared with the subject member for comment. The subject member confirmed that the conversation had taken place but that it had been more detailed than alleged and that he had apologised at the time. The subject member’s response was shared with the complainant who accepted the apology as an informal resolution.

- CONDCOMP/PCC/17. On 7th May 2021, a complaint was made by a member of the public regarding the subject member’s support for a local business establishment which is the known subject of nuisance complaints. The complainant considers that this demonstrates bias on the part of the subject member and in light of the concerns raised has the potential to bring them/the council into disrepute. The complainant also considers that it is preventing the nuisance from being properly addressed. The subject member has responded to the complaint but the complainant has confirmed that the explanation given does not satisfactorily resolve the concerns raised. The DMO is therefore in the process of arranging to discuss the complaint and response with the Independent Person.

Parish Councillors

There has also been 1 new complaint received in relation to parish councillors as follows:

- CONDCOMP/PCC/18. On 6th May 2021, a complaint was made by one Parish Councillor against another in relation to their behaviour at a Parish Council meeting. Specifically, the complainant considers that the subject member’s behaviour towards them was disrespectful and amounted to bullying and intimidation as well as an attempt to disadvantage them. The DMO has acknowledged receipt of the complaint but is seeking more information before the complaint can be progressed to the next stage of the process.

4.2 ONGOING COMPLAINTS

The following complaints remain active since the last meeting:

City Councillors

- There are none.
**Parish Councillors**

- CONDCOMP/PCC/08. This complaint was received on 1st October 2020. The complainant, a parish councillor, alleged that the subject member had breached the code as a result of systematic and ongoing bullying and harassment via email and other direct exchanges. The subject member refutes the allegations and considers that the complainant is guilty of the same behaviour. Following discussion with the Independent Person, the complaint was referred for external investigation on 30th March 2021 along with CONDCOMP/PCC/9, 10, 11 and 13.

- CONDCOMP/PCC/09. This complaint was received on 16th September 2020. The complainant, a parish councillor, alleged that the subject member had breached the code of conduct as a result of their behaviour at a Parish Council meeting at which they are accused of bullying, disrespect, breach of confidentiality and disrepute. The subject member refutes the allegations and, following discussion with the Independent Person, the complaint was referred for external investigation on 30th March 2021 along with CONDCOMP/PCC/08, 10, 11 and 13.

- CONDCOMP/PCC/10. This complaint was received on 23rd October 2020. The complainant, a parish councillor alleged that the subject member had breached the code of conduct as a result of failing to intervene as a result of the behaviours described in relation to CONDCOMP/PCC/09 and for breaching confidentiality requirements. The subject member has not responded to the complaint and following discussion with the Independent Person, the complaint was referred for external investigation on 30th March 2021 along with CONDCOMP/PCC/08, 09, 11 and 13.

- CONDCOMP/PCC/11. This complaint was received on 4th November 2020. The complainant, a Clerk, alleged that the subject member had breached the code of conduct as a result of the tone and content of various emails and interactions over the course of 2020 accusing them of bullying, disrespect, using their position for gain and disrepute. Following discussion with the Independent Person, the complaint was referred for external investigation on 30th March 2021 along with CONDCOMP/PCC/08, 09, 10 and 13.

- CONDCOMP/PCC/13. This complaint was received on 10th November 2020. The complainant, a member of the public alleged that the subject member had breached the code of conduct as a result of their use of social media and resultant interactions between them. The subject member denies breaching the code and considers that the complaint has been manufactured to discredit them. Following discussion with the Independent Person, the complaint was referred for external investigation on 30th March 2021 along with CONDCOMP/PCC/08, 09, 10 and 11.

**4.3 CONCLUDED COMPLAINTS**

The following complaints have been concluded since the last meeting:

**City Councillors**
• CONDCOMP/PCC/04. Three complaints were received from a Peterborough City Councillor in relation to the same subject member. Each related to allegations that the subject member had breached the code of conduct as a result of what were described as libellous and defamatory remarks made on social media. The complaints were shared with the Subject Member who denied the allegations and made a counter allegation that the complainant had breached the code of conduct by making false accusations. Both sets of complaint were referred for external investigation. The investigation concluded on 18th May 2021 by which time the subject member and counter-complainant was no longer a serving councillor. In either event, the investigating officer recommended that the Monitoring Officer take no further action in relation to either complainant’s complaint. The complainant and (former) subject member/complainant have been notified and their complaints will now be discontinued.

• CONDCOMP/PCC/06. This complaint was received on 20th January 2021. The complainant, a councillor, alleged that the subject member had breached the code of conduct by inciting religious hatred via comments made on social media. The Deputy Monitoring Officer did not have sufficient information to progress the complaint and therefore requested the complainant to complete the template complaint form. No further information was forthcoming and the complaint has therefore been discontinued.

• CONDCOMP/PCC/07. On 3rd February 2021, a complaint was made by a member of the public regarding comments the subject member is alleged to have posted about them on social media. Further information was sought from the complainant because there was no detail as to the dates upon which the comments were made and/or the specific wording or context of the comments. The complainant responded to confirm that they would not be pursing their complaint and the matters was therefore concluded on 4th March 2021.

• CONDCOMP/PCC/15. On 20th January 2021, a complaint was received from a member of the public in relation to comments made by the subject member during a visit to business premises. In particular, the subject member is accused of making racist comments about the progress of the Covid-19 recovery programme. The subject member in responding to the complaint has denied any recollection of the alleged remarks but has offered an unreserved apology for any offence that may unintentionally have been caused during the course of the conversation. The complainant accepted the apology as an informal outcome and the matter was therefore concluded on 28th June 2021.

• CONDCOMP/PCC/19. A complaint has been made by a member of the public in relation to two city councillors and their involvement in a local issue (January 2021). Further information was sought from the complainant before the complaint could be sent to the councillors for comment and then assessed. The information has not been forthcoming from the complainant who indicated they would prefer to take an alternative route and make a complaint to the LGO.

Parish Councillors

• CONDCOMP/PCC/12. This complaint was received on 24th September 2020. A complaint, a member of the public, complained that the subject member had breached the code of conduct as a result of the tone and content of two verbal interactions between them. Following discussion with the Independent Person it was determined that the complaint did not meet the threshold for further investigation.

• CONDCOMP/PCC/14. This complaint was received on 30th October 2020. The complainant, a Parish Councillor, complained that the subject member had breached the code of conduct as a result of alleged bullying and disrespect arising from email correspondence between them. Following receipt of the subject member’s response, the Deputy Monitoring Officer sent it to the complainant to establish whether it satisfactorily resolved their concerns. No response was forthcoming from the complainant and the complaint has therefore been discontinued.
4.4 Publication of Investigation Report

At the Committee on 8th February 2021 it was reported that there had been a complaint from a councillor in relation to the behaviour of the subject member at a council meeting (October 2019). At that stage, the Investigator concluded that there had been a breach of the Code of Conduct and, following discussion with the Independent Person, the Deputy Monitoring Officer was establishing whether the complaint was capable of alternative resolution. In particular, the investigating officer concluded that the subject member had not slapped the complainant or struck them with an object but accepted on balance that they had touched them without consent. It was therefore recommended that the subject member apologise to the complainant and an apology has since been offered.

In July 2018 the Committee agreed, when considering the code of conduct complaints process and confidentiality, that "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. The investigation report in relation to this complaint is therefore attached as Appendix 1 for the Committee to note.

5. CONSULTATION

5.1 The process for dealing with conduct complaints requires the Monitoring Officer to consult the Independent Person following an initial assessment and before any decisions are taken as to what if any further action is considered appropriate for example, the appointment of an investigator and, following receipt of the investigator’s report, whether to refer the matter for a hearing.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 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 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 Appendix 1 – Investigation Report
Peterborough City Council

Weightmans’ reference: SG/216935/146

Report of an investigation into an allegation concerning the conduct of Councillor David Seaton of Peterborough City Council

Simon Goacher, Partner
Weightmans LLP
100 Old Hall Street
Liverpool L3 9QJ

The contents of this report and any accompanying documents are confidential and must not be disclosed.
CONFIDENTIAL

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The contents of this report and any accompanying documents are confidential and must not be disclosed.
Summary

1. A complaint was made that Cllr David Seaton, an elected member of Peterborough City Council (“the Council”), failed to comply with the Council’s Code of Conduct (“the Code”). The complaint was made by Cllr Ed Murphy who is also an elected member of the Council. The complaint was referred to me by the Council’s Deputy Monitoring Officer to investigate.

2. The complaint relates to Cllr Seaton’s alleged behaviour at a meeting of the Adults & Communities Scrutiny Committee on Monday 28th October 2019.

3. I have investigated whether Cllr Seaton acted in the way alleged, whether in so doing he was acting as a councillor and whether he failed to comply with the Code as a result.

4. As a result of the investigation, I have concluded that Cllr Seaton was acting as a councillor when he engaged in the behaviour complained about.

5. I have also found that in acting he did Cllr Seaton failed to comply with the code of conduct for the reasons set out below.

Relevant Legislation


Under the 2011 Act, the Council:

a. is under a duty to promote and maintain high standards of conduct;

b. must adopt a Code of Conduct which is consistent with the statutory principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership;

c. must have in place arrangements for investigating allegations of failure to comply with the Code, and taking decisions about them, including appointing one or more Independent Persons, one of whose views must be sought before a decision is made, and one of whose views may be sought by the member against whom an allegation is made.

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7. Section 27 (2) of the 2011 Act states:

*In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.*

Therefore, the Code applies only when a councillor is acting in their capacity as a councillor.

8. The Council has adopted the Code pursuant to the 2011 Act (SG1).

9. So far as material, the Code provides as follows:

*The Members’ Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.*

*The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code…:*

*iv. Accountability*

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this…

*vii. Leadership*

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs…

You are a member or co-opted member of Peterborough City Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership…

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

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Councillor details

10. Cllr Seaton has been a member of the Council since 2008. He is the Cabinet member for finance.

Background

11. This complaint arose as a result of alleged conduct by Cllr Seaton at the meeting of the Council’s Adults and Communities Overview and Scrutiny Committee on 28 October 2019.

12. The purpose of the meeting was to consider a “call-in” of a decision of a Cabinet member, Cllr Steve Allen, in relation to the council’s proposed acquisition of a number of properties known as “St Michael’s Gate”. The council held a lease for those properties, which it used for the provision of temporary accommodation, and the lease was due to expire at the end of October. The Cabinet member had to decide whether to buy the properties in order to continue to provide that temporary accommodation. The Scrutiny Committee has the power to call-in the decision, which means implementing it is put on hold until a decision about what to do is made at the Scrutiny Meeting. The issue of St Michael’s Gate generally has been a politically controversial one for the various political groups at the council.

13. Cllr Murphy and Cllr Seaton both attended the committee meeting but were not members of the committee so sat in the public area. There was a heated discussion between them during the meeting and Cllr Seaton left. Cllr Murphy claims that Cllr Seaton struck him with a bundle of papers; Cllr Seaton states that he tapped Murphy on the shoulder as he left the meeting.

The evidence obtained

14. The following witnesses were interviewed during the investigation:

Cllr Murphy (SG2)
Cllr Yasin (SG3)

15. Cllr Murphy has agreed a written record of his interview. Cllr Yasin has not confirmed that she agrees the written record despite being asked to.

16. I contacted Cllr Fower on four occasions by email asking him if he would be interviewed but I did not receive any response to any of those emails.

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17. I contacted Cllr Judy Fox to ask if she was willing to be interviewed. I spoke to her and she indicated that though she had attended the relevant meeting she did not see any incident between Cllr Seaton and Cllr Murphy.

18. I asked Cllr Seaton to be interviewed but he declined to be interviewed. He provided some information by email (SG4).

19. I have also reviewed a witness statement provided by the Council’s Monitoring Officer to the police following the incident (SG5).

20. The Council’s Deputy Monitoring Officer, described the process leading to my instructions and supplied me with information received from Cllr Murphy about the complaint and information which he had been sent by the police about the complaint which he had made to them (SG6).

21. I considered seeking to interview others present at the meeting but felt that I had sufficient evidence to reach conclusions on what happened and whether there had been a breach of the Code by Cllr Seaton. I felt further interviews would be disproportionate.

22. I also listened to the relevant part of the recording of the meeting.

Evidence of Cllr Murphy

23. Cllr Murphy explained that he is a member of the Council. He confirmed that he had made a complaint to the Council’s Monitoring Officer about Cllr Seaton.

24. Cllr Murphy stated that the documentation from the police which he had provided to the Monitoring Officer had much of the information needed.

25. Cllr Murphy explained that his complaint related to Cllr Seaton’s actions at a meeting of the Council’s Overview and Scrutiny Committee on 28 October 2019. He stated that it was a call in about St Michaels Gate. He explained that the Council had agreed a deal to move homeless people out. He stated that Cllr Seaton had probably brokered the deal. Cllr Murphy stated that there were councillors sitting on each side and behind them was a “public gallery”. He stated that he was sat in the second or third row of the gallery. He stated that Cllr Seaton was sat behind him. Cllr Murphy stated that he and Cllr Seaton were bickering which people will have seen. Cllr Murphy stated that following interruptions and comments he moved forward a row and across to be further away from Cllr Seaton and nearer to the committee members.

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26. He stated that he recalled that Cllr Mrs Fox may have been present. He stated that the Head of Democratic Services and a number of officers were also present. He stated that the Council’s Beadle at some time may have been behind them. He stated that the Monitoring Officer was present herself.

27. Cllr Murphy stated that his memory had faded as it was some time ago but he had given his police statement soon after the meeting.

28. Cllr Murphy stated that he and Cllr Seaton made some comments at the meeting which they probably shouldn’t have done. He stated that Cllr Seaton slapped him around the head. He stated that one councillor, Cllr Fowler did ask the chair about the incident but nothing really happened. He stated that one or two councillors may have said something but he could not recall.

29. Cllr Murphy stated that Cllr Fowler had blogged about the incident afterwards but he had not seen it himself. He stated that Cllr Yasin had been sat next to Cllr Fowler. He stated that Cllr Yasin told him afterwards that she had seen the incident.

30. Cllr Murphy stated that he reported the incident the day afterwards. He stated that he had not been too fazed by it but if it had been somebody else it would have made a case. He stated that the police interviewed him and took his statement and may have interviewed councillors or others present.

31. Cllr Murphy stated that he received an email from the leader of the Conservative Group saying that his behaviour had been outrageous and the police would not be taking any action. Cllr Murphy stated that at that time he had not been told by the police that no further action would be taken so he did not know how the leader of the Council knew this.

32. Cllr Murphy stated that he did not know who the police spoke to but the document he provided to the MO had all the details which he had. He stated that a councillor officer Rachel Edwards with a colleague was sat to the left of him. He stated that Cllr Fowler also probably saw it and Cllr Yasin definitely saw it.

Evidence of Cllr Yasin

33. Cllr Yasin she was a member of the Council and had been since May 2019.
34. Cllr Yasin confirmed that she had been at the meeting Council’s Adults and Communities Overview and Scrutiny Committee on 28 October 2019 as a member of the committee. She stated that the meeting had been to discuss the St Michael’s Gate call in and she had been one of the signatories of the call in. I asked if she had witnessed any incident between Cllr Seaton and Cllr Murphy. She stated that she had.

35. Cllr Yasin stated that they had been discussing various points about the call in. She stated that Cllrs Hiller and Allen and Pete Carpenter, the acting finance director had been presenting their report. She stated that Cllr Murphy and Cllr Seaton had been sitting behind where the people presenting the reports were sat, where members of the public would normally sit.

36. She stated that she saw communications passing between Cllr Murphy and Cllr Seaton but she could not hear what they were saying. She stated that Cllr Seaton had a bundle of papers or a book in his hand and he hit Cllr Murphy over the head with it and then left.

37. Cllr Yasin stated that when she saw the incident she took a sharp intake of breadth. She stated that Cllr Fower who was sat next to her asked her what had happened. She stated that she told Cllr Fower that Cllr Seaton had just hit Cllr Murphy. She stated that Cllr Fower raised it with the chair of the committee, Cllr Simons. She stated that Cllr Simons said that he had not seen anything and the meeting moved on.

38. I asked Cllr Yasin if anyone else had seen the incident. She stated that it was difficult to tell. She stated that after Cllr Fower brought it to Cllr Simons’ attention no-one said anything. She stated that she thought Cllr Simons would have seen it because Cllr Murphy and Cllr Seaton were directly in his eye line but Cllr Simons said at the time that he did not see it.

39. Cllr Yasin stated that she had not spoken to anyone else since it happened but she had been contacted by the police who had asked her for her account of what happened. She stated that she could provide the police officer’s details. She stated that she did not know the outcome of the police investigation.

40. Cllr Yasin stated that the room where the meeting took place had been split in two. She stated that there was an oval shaped table where the committee members sat. She stated that there was a table facing them.

The contents of this report and any accompanying documents are confidential and must not be disclosed.
where the cabinet members and officers presenting reports sat. She stated that behind that was where the observers sat including Cllr Murphy and Cllr Seaton.

41. Cllr Yasin stated that it was a very brief incident so some people may not have seen it.

Evidence of Fiona McMillan

42. I have reviewed the witness statement which Ms McMillan provided to the police in it she explains the background to the committee meeting, who was present and what she saw. She indicated that she saw Cllr Seaton make contact with Cllr Murphy which is consistent with what Cllr Seaton has said.

Emails from Cllr Seaton

43. I invited Cllr Seaton to attend an interview about the complaint. He responded stating:

*Without Prejudice*

*I have no great wish to be interviewed.*

*To be frank:*

1. Councillor Murphy has a history of spurious complaints.
2. At the time he tried to pitch story to Peterborough Telegraph, they asked had he reported to Police, he did so, they fully investigated including a statement from myself. The complaint was dismissed and indeed the Police criticised Cllr Murphy for his attempt to use the media.
3. There is an existing independent investigation into Cllr Murphy. That took months to agree and is still incomplete.
4. In my case, it took a matter of days to decide on an independent investigation. This falls far short of balance and natural justice.
5. I believe the recording of the meeting confirms that Cllr Murphy shouted (from the audience) at Councillors, then tried to blame his actions on me. I tapped him on the shoulder, told him that was unacceptable and I was leaving the meeting so he could not do that.
If you have specific points, I may be prepared to respond in writing. However I see little point in going back over matters the Police have already considered.

Regards

44. I emailed Cllr Seaton again stating:

Cllr Seaton

Thank you for your email.

It is of course a matter for you whether you agree to be interviewed. If you choose not to then inevitably that will have an impact on my findings and will be reflected in my report.

I have noted your comments, though most of them are not relevant to my investigation.

As you will no doubt be aware any criminal investigation is entirely separate to a code of conduct investigation and the burden of proof applied is also different. Decisions in respect of a code of conduct investigation are made on the balance of probabilities whereas in criminal proceedings the test is beyond a reasonable doubt. The police and CPS also apply a different test in terms of whether a matter should be prosecuted even if they think that there is sufficient evidence they may choose not to prosecute for policy reasons.

Having said that it would be helpful if you have any correspondence from the police explaining their decision not to take any action if you could shared it with me.

I would be grateful if you could also answer the following questions:

You state that you “tapped [Cllr Murphy] on the shoulder as you left.” Could you explain why you tapped him on the shoulder?

What did you tap him with, your finger, the palm of your hand, another part of your body or an object? If an object what was the object?
Could you say how much force was used? Cllr Murphy has indicated that it was sufficient to cause tenderness what is your response to that?

Cllr Murphy states that you “slapped him around the head.” Is it possible that when you “tapped him on the shoulder” you also touched his head?

Are there any witnesses to the incident who you think I should speak to?

I look forward to hearing from you.

Yours sincerely

45. Cllr Seaton responded stating:

Simon

We will have to disagree as to relevance. Personally I cannot see how a clear record of a certain type of behaviour is irrelevant, nor apparent bias / lack of natural justice by the team who instructed you nor recorded evidence of behaviour showing the mood of an individual.

You state that you “tapped [Cllr Murphy] on the shoulder as you left.” Could you explain why you tapped him on the shoulder?

As already stated, “I believe the recording of the meeting confirms that Cllr Murphy shouted (from the audience) at Councillors, then tried to blame his actions on me. I tapped him on the shoulder, told him that was unacceptable and I was leaving the meeting so he could not do that”.

He shouted more than once.

What did you tap him with, your finger, the palm of your hand, another part of your body or an object? If an object what was the object?

For clarity, I had no papers at the meeting so Murphys claim to Police that I hit him with a sheaf of papers is nonsense. My recollection is it was with the fingers of my right hand on his left shoulder (as I was behind him to his left).

The contents of this report and any accompanying documents are confidential and must not be disclosed.
Could you say how much force was used? Cllr Murphy has indicated that it was sufficient to cause tenderness what is your response to that?

From my perspective a light tap but sufficient to get the attention of someone who had lost his cool. Not enough to cause tenderness on the shoulder of anyone.

Cllr Murphy states that you “slapped him around the head.” Is it possible that when you “tapped him on the shoulder” you also touched his head?

No. 'Slapped' is a considerable distance from 'touched'. He may have felt my hand on his hair.

Yours sincerely

Findings of fact

46. I must make findings on the balance of probabilities and that is the test which I have applied in relation to the material facts. I make the following findings:

a. Cllr Seaton and Cllr Murphy were in attendance at the meeting of the Adults & Communities Scrutiny Committee on Monday 28th October 2019;

b. Cllr Murphy made a number of comments during the meeting;

c. Cllr Seaton became exasperated and deliberately touched Cllr Murphy without his consent as he left the meeting;

d. On balance I do not find that Cllr Seaton “slapped” Cllr Murphy or hit him with an object.

47. I make these findings for the following reasons;

a. This is accepted by all parties;

b. This is accepted by all parties;

c. Cllr Seaton accepts that he told Cllr Murphy that his behaviour was unacceptable and tapped him as he left the meeting, the evidence of Cllr Murphy, Cllr Yasin and Fiona McMillan is that Cllr Seaton touched Cllr Murphy;

d. The evidence of Cllr Murphy on this point has been inconsistent with his comments in the media differing from his statement to the
police and is strongly denied by Cllr Seaton. Cllr Murphy’s allegation is supported by Cllr Yasin and Ms McMillan, to an extent but the evidence is insufficiently clear to find this proven on the balance of probabilities.

Reasoning as to whether there has been a failure to comply with the Code.

48. The relevant paragraphs of the Code which I have considered during my investigation are set out at paragraph 9 above.

49. The test in deciding whether or not there has been a failure to comply with the Code is objective: would a reasonable person aware of all the material facts and ignoring all immaterial factors consider that there has been a breach of the Code?

50. The Act section 27(2) provides that the code of conduct only applies to the conduct of a member acting in their capacity as such. In my view at all material times Cllr Seaton was acting in his capacity as a councillor. He has not sought to argue otherwise. The incident occurred at a meeting of the overview and scrutiny committee of the Council he was attending.

51. Cllr Murphy was being disruptive at the meeting. He should not have been. It is unsurprising that Cllr Seaton found this annoying. However, he should not have made physical contact with Cllr Murphy. The contact was, in my view on balance, fairly minor but in my view both councillors should have exercised a greater degree of control over their actions at the meeting.

52. In making deliberate physical contact with Cllr Murphy without his consent in my view Cllr Seaton failed to comply with the standards of conduct in public life in the Council’s code. He failed to exercise leadership and to be accountable and he failed to promote high standards of conduct.

53. In finding this I am of the view that the breach was relatively minor and there was a strong degree of mitigation arising from Cllr Murphy’s own behaviour. It is regrettable that the cost and time of an investigation has been incurred by the Council from this relatively trivial incident. It would have been better if Cllr Seaton had accepted that, despite the provocation, he went too far in deliberately physically touching Cllr Murphy without his consent in response, apologised and everyone moved on. I would hope that he might do so now and avoid the need for any hearing.
Comments on the Draft Report

54. In accordance with the Council’s procedures I have given Cllrs Murphy and Seaton the opportunity to read my draft report. I did not receive any response from Cllr Seaton.

55. Cllr Murphy responded stating:

Thanks for sending me this draft. I do concur with you that this may have been an unnecessary expense for the council over the incident. However he did hit me on the right hand side of the head either with his hand or whatever may have been in it. It didn’t feel like a fist. The force may have been increased because he was standing up and moving past me and I was sitting down and lower than him.

You probably need to check the typo hearing insert as In line 5...

I can’t recall the press or media reports on this though I do know Robert Alexander local government reporter, who should have been at the meeting but thought it had been cancelled, was aware of the incident as I spoke to him the next morning. I didn’t release any press note or statements. What are the inconsistencies that you are referring to so I can have a think about them, they may be down to how the matter was reported not necessary what I said. I bet they’re about what may or may not have been in his hand.

I recall he left some papers on the table or touched them on the press table after he’d hit me.

If you’d like me to chase up anybody for example Cllr F I can ask him to get in touch with you.

The document you sent me doesn’t contain all the contents that are listed for example the monitoring officer (I was interested in what she said she saw) nor the police stuff but I’ve seen most of that.

I didn’t know that you’d got these statements for Cllrs until today.

If this matter is not resolved as your suggestion by way of apology I am wondering if it does go to a hearing could the hearing conclude that I was actually hit.

There is a strong possibility that somebody else in the room did actually see this and remember what happened last year.

When we discussed this there had been a delay before you were asked to take on the task and I see that you may have had some trouble getting responses since. Has there been any intentional blocks and non-responses put in the way to increase the time this has all taken to come to conclusion?

The contents of this report and any accompanying documents are confidential and must not be disclosed.
56. I have considered Cllr Murphy’s comments. I have not had any internal blocks on my investigation. I did not consider it proportionate to seek to interview further witnesses present at the meeting given that it is clear on Cllr Seaton’s own admission that he did touch Cllr Murphy without his consent and against his will. It is unlikely to be possible to identify clearly the degree of force which was used and the evidence which I have already obtained is conflicting and the police noted the inconsistency in Cllr Murphy’s own evidence.

57. I never provide the parties with all of the supporting evidence at the stage of sharing the draft reports as it is not necessary to do so to enable them to comment.

Finding

58. My finding is that there has been a failure on the part of Cllr Seaton to comply with the Council’s Code of Conduct.

59. I am sending a copy of this report to the Council’s Monitoring Officer.

Simon Goacher, Partner
Weightmans LLP

14 January 2021

The contents of this report and any accompanying documents are confidential and must not be disclosed.
Schedule of evidence

SG1 Peterborough City Council Code of Conduct for Members
SG2 Record of interview of Cllr Murphy
SG3 Record of interview of Cllr Yasin
SG4 Emails from Cllr Seaton
SG5 Statement of Fiona McMillan
SG6 Information from the complainant and the police

The contents of this report and any accompanying documents are confidential and must not be disclosed.
CONSTITUTION AND ETHICS COMMITTEE

AGENDA ITEM No. 10

14 JULY 2021

PUBLICATION REPORT

Report of: Fiona McMillan, Director Law and Governance and Monitoring Officer

Cabinet Member(s) responsible: Councillor Wayne Fitzgerald, Leader of the Council

Contact Officer(s): Dan Kalley, Senior Democratic Services Officer Tel. 296334

WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

RECOMMENDATIONS

FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer

Deadline date: N/A

It is recommended that the Constitution and Ethics Committee

1. Notes and agrees the Work Programme with any additional items or suggestions to be included

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 as it stands.

2. PURPOSE AND REASON FOR REPORT

2.1 The programme can be refreshed throughout the year in consultation with the 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.

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 |

4. IMPLICATIONS

Financial Implications

4.1 There are none.
Legal Implications

4.2 There are none.

Equalities Implications

4.3 There are none.

5. APPENDICES

5.1 Appendix A - Work Programme 2021/22.
### APPENDIX A

**DATE:** 20 SEPTEMBER 2021

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