

**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING
HELD AT 6PM, ON
21 NOVEMBER 2022
BOURGES/VIERSEN ROOMS, TOWN HALL, PETERBOROUGH**

Committee Members Present: Sandford (Chair), Jamil (Vice-Chair), Councillors Coles, Alison Jones, Fitzgerald, Sainsbury and Simons

Officers Present: Rochell Tapping, Director Law and Governance
Rachel Edwards, Head of Constitutional Services
Sue Proctor, Executive and Member Services Manager
Pippa Turvey, Democratic and Constitutional Services Manager
Dan Kalley, Senior Democratic Services Officer
Karen Dunleavy, Democratic Services Officer

Also Present: Councillor Dowson, Mayor of Peterborough

30. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

31. DECLARATIONS OF INTEREST

Declarations of interest were received for:

Agenda Item 12 – CIVIC AWARDS

Councillors Jamil and Sandford declared that they had nominated people for awards, however, would not take part in debate in respect of their nominations.

32. MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING HELD ON 6 OCTOBER 2022

The minutes of the meeting held on 6 October 2022 were agreed as a true and accurate record.

34. APPOINTMENTS TO OUTSIDE BODIES.

The Constitution and Ethics Committee received a report in relation to the process for Appointments to Outside Bodies.

The purpose of the report was for the Constitution and Ethics Committee to review the current process for appointments to outside bodies and determine whether this should be amended.

The Director of Legal and Governance requested that the Committee defer the item as further work was required in relation to the requirement for company directors to Council owned businesses.

The Constitution and Ethics Committee considered the request and **RESOLVED** (Unanimous) to **DEFER** the report for further review.

35. CIVIC PROTOCOL – DECLARATION BY THE MAYOR AND CIVIC INSIGNIA

The Constitution and Ethics Committee received a report in relation to the Civic Protocol and declarations by the Mayor and Civic Insignia.

The purpose of the report was to consider the proposals for the Declaration by the Mayor and Civic Insignia. The report was originally submitted to the Constitution and Ethics Committee following a previous discussion at the meeting on 6 October 2022. The item was deferred as it was felt that further discussion was required.

The Head of Constitutional Services introduced the report and asked members to consider the recommendations presented to them. Members were advised that the report was presented to the Committee following further review as requested at the October meeting of the Constitution and Ethics Committee. The proposals had covered the requirements from the Mayor in relation to the Civic robes and regalia, which was outlined in section 10 of the Council's Constitution. There were also changes to job descriptions and various other wording in the protocol as outlined in the report.

There was proposed wording for the declaration by the Mayor in section 4.4 of the report. With regards to the wearing of the robes and civic insignia this was detailed in part 8.1 of the Civic Protocol and outlined in section 4.5 of the report. There had also been amendments proposed to update the protocol to His Majesty following the death of Queen Elizabeth II.

Members were also asked to note that there were errors in 9.4 and 9.6 of the Civic Protocol in relation to the procession arrangements, and that these would be corrected to place the Leader of the Council in front of the Chief Executive.

In addition, Members were advised of the additional research conducted with other councils in relation to civic protocol arrangements.

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

- Members were advised that the minimum requirements of what civic regalia to wear, and when, had been outlined within the proposals for Civic Protocol.
- Some members raised a concern in relation to paragraph 8.1 of the Civic Protocol, as it seemed to impose a mandatory requirement for the Mayor and Mayoress to wear the chains at events. Members were advised that if the Mayor or Mayoress were invited to a non-civic event and a request had been made for full regalia, it would be up to the civic party to decide what regalia they wished to wear.
- Some Members felt that alternative wording should be considered for paragraph 8.1 of the Civic Protocol, in relation to wearing of civic regalia. The alternative wording should describe the normal expectation, however, place the ultimate decision with the Mayor or Mayoress to decide what to wear at civic events.
- Some Members felt that there needed to be some flexibility towards the usual tradition. Reference was made to the research conducted with other councils such as Milton Keynes, Telford and Cambridgeshire County Council where the mayor would wear a chain but no other regalia. This approach was seen to be moving with the times.
- The current Mayor of Peterborough commented that amendments to the wearing of regalia and declaration wording would be welcomed. Furthermore, the Mayor

felt that an air of discretion over whether to wear the full regalia should be considered. In addition, the Mayor, commented that the expense of new robes felt like an unnecessary cost to bear.

- Some members commented that the alternative wording for the Civic Protocol should be accepted, as proposed within the report.
- Members were advised that the neck tab and cuffs were the full civic regalia included within the proposals and that outfit would be for formal civic events. Some events would require just the robes and for some of the more formal ones, the mayor would need to wear full regalia.
- The chains were always required at Council meetings to make it easier for the public to identify who the mayor or mayoress were.
- Members were advised that the full regalia with hat collars and cuffs would be required for Mayor Making, Annual Council, Mayor's installation in the Cathedral, civic service in a church and any royal visit held outside the Town Hall.
- Some members were concerned that there had not been any consistency of what the Mayor or Mayoress should wear at events and that at a recent event, the protocol had not been followed.
- Some Members commented that the hat requirement should be removed, however the chains should always be worn as a minimum. In addition, the more discretion given to future Mayors could give rise to challenge, however times change, and care should be taken over what the Mayor or Mayoress were required to wear in terms of full regalia, especially at Full Council in the summer months.
- Members commented that the amendments to the procession arrangements outlined in the report were acceptable.
- Some Members felt that civic events with the Lord Lieutenant should require the full regalia. At a recent royal event, the protocol on regalia had not been followed and this was felt to cause issues and embarrassment to the Council.
- It was felt that discretion was needed over what regalia to wear when the weather was particularly hot, and this should remain in the protocol, with amended wording to make it clear what was expected from the Mayor or Mayoress. Furthermore, it was suggested that the word only should be deleted from 8.1 of the protocol.
- Some Members commented that a loyal oath to the King or an affirmation should be included in the declaration.
- Some Members commented that inclusion of a loyal oath or affirmation would exclude some Councillors wishing to take up office if they had republican views. Furthermore, it was felt that if a loyal oath or affirmation requirement was agreed, the position of mayor could not be undertaken if the Councillor refused to sign the declaration.
- Some Members commented that accepting the addition of a loyal oath or affirmation within the Mayor's declaration of office would be in line with the procedure for new Members of Parliament.

The Constitution and Ethics Committee considered the report and:

A motion was proposed and seconded to include additional wording within the Mayor's declaration of office to include the following text:

I XXXX, having been elected as Mayor of the City of Peterborough, swear by Almighty God that I will be faithful and bear true allegiance to his Majesty, King Charles, his heirs and successors, according to Law'. So help me God. 'I declare that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgement and ability. In doing so, I agree to abide by the Council's Civic Protocol.

Or alternative affirmation wording:

"I XXXX, having been elected as Mayor of the City of Peterborough, 'do solemnly, sincerely and truly declare and affirm that I will be faithful and bear true allegiance to his Majesty, King Charles, his heirs and successors, according to Law.' 'I declare that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgement and ability. In doing so, I agree to abide by the Council's Civic Protocol'.

Following a vote, it was **RESOLVED** (4 for, 3 against) to include the wording within the Mayor's declaration.

A further motion was proposed and seconded to amend the wording in paragraph 8.1 of the Civic Insignia to include the following underlined text:

Mayors in Peterborough will usually wear a robe of office, together with a chain and *sometimes cuffs and neck tab* on all ceremonial occasions *such as formal civic events as noted below in points 10.1, 10.2 and 10.3, particularly if the Lord Lieutenant, Deputy Lieutenant or High Sheriff are in attendance*. If the ceremony is out of doors, and the event relates to the Monarchy, the Mayor will usually wear a hat, which in the case of a man is a black cocked hat and for a lady a black tri-corn hat. On normal day to day civic occasions, the Mayor and Mayoress will usually wear the chain of office. The Mayor will wear the chain of office for Full Council meetings and may choose to wear the robe. On all civic occasions, the Mayor will seek and consider carefully advice from the Mayor's office before deciding what garments or insignia he/she will wear.

Following a vote, the motion was **DEFEATED** (2 for, 4 against and 1 abstention)

A further motion was proposed and seconded to approve the recommendations as outlined within the report with the inclusion of the amended wording in paragraph 8.1 of the Civic Insignia underlined as follows:

Mayors in Peterborough wear a robe of office, *cuffs and neck tab*, together with a chain of office on all ceremonial occasions *such as Formal Civic Events as noted below in points 10.1, 10.2 and 10.3 particularly if the Lord Lieutenant or Deputy Lieutenant are in attendance*. If the ceremony is out of doors *and the event is in support of the Monarchy*, the Mayor will wear a hat, which in the case of a man is a black cocked hat and for a lady a black tri-corn hat. On normal day to day civic occasions, the Mayor and Mayoress will wear only the chain of office. The Mayor and Mayoress is expected to wear the robe and chain of office for Council meetings, but at their discretion, may remove the robe if it is particularly hot.

Following a vote, the motion was **RESOLVED** (4 in favour, 1 against, 2 abstentions)

AGREED ACTIONS

The Constitution and Ethics Committee agreed:

- I. The proposal to add to the declaration of acceptance of office for the next incoming Mayor of the City of Peterborough (from May 2023) that they agree to abide by the Council's Civic Protocol with the inclusion of the Loyal Oath and alternative Affirmation.
- II. To recommend to Full Council that the Civic Protocol, was updated with the wording and to include the amended wording of the declaration of acceptance of office of Mayor.
- III. Recommend to Full Council: -
- IV. the change to job title in Section 2.3.

- V. the wording in Section 9.6.
- VI. the proposal to add further information around wearing the civic insignia in the calendar of events recommending when the formal regalia should be worn in Section 10, which included the additional calendar event relating to royal events.
- VII. the change to the Monarch in Section 12.4.
- VIII. the wording in Section 13.3.
- IX. the wording in Section 14.2.
- X. the wording in Section 15.2.

INFORMATION AND OTHER ITEMS

36. DISPENSATIONS ISSUED

The Constitution and Ethics Committee **RESOLVED** (Unanimous) to note that there had been no dispensations issues since the last meeting on 6 October 2022.

37. UPDATE ON NATIONAL ISSUES

The Constitution and Ethics Committee **RESOLVED** (Unanimous) to note that there had been updates on national issues since the last meeting on 6 October 2022.

38. CODE OF CONDUCT COMPLAINTS

The Constitution and Ethics Committee received a report in relation to the Code of Conduct Complaints received since the last meeting.

The purpose of the report was to update members on the status of any new complaints and those that had been resolved since the last meeting.

The Senior Democratic Officer introduced the report and asked members to note that there had not been any new complaints received since the last meeting on 6 October 2022.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting on 6 October 2022.

39. WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

The Constitution and Ethics Committee received a report in relation to the committee's work programme.

The Democratic Services Officer introduced the report and outlined the work programme report, along with additional items that were to be included.

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

- The Director of Legal and Governance confirmed that there will be a review of the constitution in six months' time. The approach to the Constitution review would be reported to the Committee at February's meeting.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note and agree the Work Programme.

40. EXCLUSION OF THE PUBLIC AND PRESS

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) that the press and public be excluded from the meeting on agenda item 11 and 12, Honours Panel reports on the grounds that the items contained exempt information under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, and that it would not be in the public interest for this information to be disclosed (Information relating to an individual).

41. HONOURS PANEL

The Constitution and Ethics Committee received a report in relation to a recommendation in relation to a Civic Award.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend the outcome of the discussion to a meeting of extraordinary Full Council.

43. CIVIC AWARDS

The Constitution and Ethics Committee received a report with regards to nominations for Civic Awards.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council the granting of Civic Awards to those nominated in the report.

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CHAIRMAN
End 7.24PM