

CONSTITUTION AND ETHICS COMMITTEE

MONDAY 21 NOVEMBER 2022

6.00 PM

Bourges/Viersen Room - Town Hall

AGENDA

Page No

1. Apologies for absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Director of Legal and Governance Services

3. Minutes of the Meeting Held on 6 October 2022 **3 - 12**

To agree the minutes of the meeting held on 6 October 2022.

4. Appointments to Outside Bodies **13 - 28**

5. Mayors Declaration – Civic Protocol **29 - 48**

INFORMATION AND OTHER ITEMS

6. Dispensations Issues

To note there have been no dispensations granted since the last meeting.

7. Update on National Issues

To note there have been no updates on National Issues since the last meeting.

8. Report on Code of Conduct Issues **49 - 52**

9. Work Programme 2022 / 2023 **53 - 58**

EXEMPT ITEMS

10. Exclusion of the Public and Press

To resolve that the press and public be excluded from the meeting on Item 11 and 12, Honours Panel reports on the grounds that the item contains 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)

- | | |
|--|----------------|
| 11. Honours Panel recommendation - EXEMPT | 59 - 62 |
| 12. Civic Awards - EXEMPT | 63 - 68 |

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair. In the event of a continuous alarm sounding remain seated and await instruction from the duty Beadle.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. Audio-recordings of meetings may be published on the Council's website A protocol on this facility is available at:

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



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact us on 01733 452233 as soon as possible.

Committee Members:

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

Substitutes: Councillors: Haseeb and A Shaheed

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – karen.dunleavy@peterborough.gov.uk

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

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

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

Also Present: Councillor Christian Hogg, Liberal Democrat Group Leader

14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fitzgerald. Councillor Coles was in attendance as substitute.

15. DECLARATIONS OF INTEREST

No declarations of interest were received.

16. MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING HELD ON:

The minutes of the meeting held on 4 July 2022 and 15 August 2022 were agreed as a true and accurate record.

17. PETERBOROUGH CITY COUNCIL GOVERNANCE REVIEW – TERMS OF REFERENCE

The Constitution and Ethics Committee received a report in relation to the terms of reference for the Governance Review

The purpose of the report was for the Constitution and Ethics Committee to agree the terms of the reference for a working group to review the governance arrangements at Peterborough City Council.

The Director of Law and Governance introduced the report and stated that this was a follow up from the previous meeting. The terms of reference before the committee enabled members to review what was done in 2015/16 with regards to proposals around a hybrid system of governance and make any recommendations that were appropriate.

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

- The intention was to meet remotely and form recommendations to the main committee before being voted upon.
- It was pleasing to note that Group Leaders could attend the meetings if they wished to contribute. In addition, the Cabinet Member with responsibility would also be invited to the meetings.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to agree the terms of reference for a working group to review the governance arrangements at Peterborough City Council.

18. CONSTITUTION UPDATES

The Constitution and Ethics Committee received a report in relation to a number of constitutional updates.

The purpose of the report was to review and update the constitution and recommend to Full Council any changes to the constitution that were agreed by the Committee.

The Director of Law and Governance introduced the report and stated that there were a number of amendments for the meeting including:

Council meeting agenda and council questions.

This was an opportunity for members to review the order of the Council agenda and to see if there were any changes that could be made. There was also a focus to review council questions to ensure these were appropriate at the current time.

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

- The structure of Full Council meetings was currently working well and the items on the agenda had a fair chance of being debated fully. It was agreed that at the current time no changes were needed to the council questions or structure of Full Council meetings.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to keep the Council Agenda and process for council questions the same.

Motions with significant implications

Members were asked to review the motions with significant motions and make any recommendations for changes to Full Council if appropriate

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

- There had been a few motions with significant implications. These had to go to directors in order to provide a briefing note, ensuring the requests complied with the budget rules.
- From officers' point of view this had helped with a reduction in the overall number of motions and ensured that motions were of a higher quality.
- It was important to make sure adequate processes of scrutinising some of the motions was in place. The current time frames allowed the opportunity for officers

and cabinet members to discuss the motion with the motion author to try and get agreement and create quality motions.

- It was a right for any councillor to submit a motion to Council. The current timeframe for submitting motions with significant motions was nearly three weeks before the Full Council, this was too far in advance. It would be beneficial if the significant motions were included in the same timeframes as normal motions. This would create one category for motions and be simpler for members to understand.
- There was an argument that all motions should adhere to the timelines as set out for motions for significant motions. In terms of other motions these needed to be in draft form 8 clear working days before the meeting and in final form 6 clear working days before the meeting.
- There were provisions within the constitution whereby an urgent motion could be accepted, although this was rare.
- Members were reminded that officers carried out a lot of work behind the scenes to ensure motions were well drafted and was something the Council held responsibility for.
- Some members stated that the system was currently working so there was no need at the current time to change this.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to keep the significant motions as is and review how this working again in six months.

Constitution naming conventions

The committee were asked to consider the recommendation of the Task and Finish Group to promote equality and diversity amongst Councillors with regards to naming conventions and make any recommendations to Full Council.

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

- It was sensible to allow members discretion as to how they wished to be addressed, especially with regards to the mayor.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council that Members have discretion as to how they wish to be addressed, including allowing the mayor the discretion over whether they are addressed as “Mr Mayor”, “Madam Mayor”, or in the same format as Councillors, for example, “Mayor” and then their surname.

Officer Employment Rules

The committee were asked to consider whether the Employment Committee needed to continue interviewing deputy chief officers, there were other local authorities where this had passed to the Head of Paid Service. In addition, members were asked to consider the removal of the requirement to allow cabinet members two clear days to make well-founded objections. As the Leader of the Council and Cabinet Members sat on the committee the Leader could confirm no objections once the recommendation to appoint had been made. This would still follow the requirements in the legislation.

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

- It was important that members had some involvement of interviewing deputy chief officers, these were important posts and members welcomed being involved in the recruitment process. Members agreed that this element of the Officer Employment Rules should not be amended.
- An annex could be included to outline what those chief and deputy officer positions were.
- The removal of the two days was a good suggestion. There was no need to delay the approval of an appointment as the Leader and Cabinet Member with responsibility for the portfolio would normally be in attendance.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council that the reference to two clear days for objections to be registered to the Leader be amended, as at Appendix 2 to the report, to allow the Leader to confirm once the appointment had been made that no objections had been received.

19. **APPOINTMENT TO OUTSIDE BODIES AND APPOINTMENT TO COUNCIL CHAMPIONS**

The Constitution and Ethics Committee received a report in relation to a number of recommendations, including appointments to outside bodies, appointment of council champions and the appointment to the Combined Authority Board.

The purpose of the report was for the Constitution and Ethics Committee to review the current process for the appointment to outside bodies, to review the issue of Council Champions, who would represent the Council within certain fields that could be appointed at Annual Council if appropriate, and to clarify the Council's appointment to the Board of the Cambridgeshire & Peterborough Combined Authority "CPCA").

The Director of Law and Governance introduced the report and stated that members could consider the way appointment to outside bodies was made. In addition, the committee could look at updating the constitution allowing the Leader at Annual Council to officially appoint council champions from across parties.

In terms of the appointments to council champions there was no reference in the constitution to state how this was to be done. Group Leaders had been asked to submit ideas, however none had yet been received.

With regards to the appointment to the Combined Authority Board, there was a lack of clarity over who appointed to the Combined Authority Board and this needed updating in the constitution.

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

Appointment to the Combined Authority Board

- The appointment to the Combined Authority Board was agreed should be the Leader of the Council and needed to be updated in the constitution.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council that the Constitution be amended to make

clear that the Leader of the Council would be the Council's representative, ex officio, on the Cambridgeshire and Peterborough Combined Authority Board, by virtue of holding the Office of Leader and that the Deputy Leader would be the substitute representative, ex officio, on the Cambridgeshire and Peterborough Combined Authority Board, by virtue of holding the office of Deputy Leader.

Appointment to outside bodies,

- Appointments to outside bodies was best placed to be determined by all Councillors at the Annual Council meeting.
- There used to be an informal procedure whereby group secretaries discussed the appointments and resolved most queries. If there were any contentious appointments these would then be presented to Annual Council to decide. At some point it then changed to the Leader being responsible for deciding any contentious appointments.
- It was confirmed that political proportionality applied to the outside bodies including being proportional for any appointments that were ward related.
- It was arguable whether this was the best use of Council time and that it was best placed for the Leader to determine any controversial appointments.
- This was an opportunity for Group Leaders to review the appointments and come to an agreement. It could then be ratified by Annual Council.
- Some members felt that this process had worked well and that there was no need to change anything at this stage.

The Constitution and Ethics Committee considered the report and **RESOLVED** (3 for, 3 against, 1 abstention, Mayor's casting vote for) to recommend to Full Council that the Constitution be amended so that appointments to outside bodies be agreed at Annual Council.

Appointment to Council Champions

- There was a network of tree champions which had been promoted by the Woodland trust. It was hoped that the Council would adopt the definition of a Council Champion.
- The general role of champions was to work with officers and relevant committees to promote certain areas for which the Council had responsibility for. They would be a point of expertise.
- If there were going to be council champions, then each champion needed to have a job description so that members could hold them to account if they were not performing.
- This was an onerous task which required a lot of work for members and officers. Members needed to give thought on how this was to be developed before council champions were appointed.
- Members were reminded that groups could have their own champions outside of any scheme the council ran.
- If there were positions that were contested, then only Full Council could determine the final person to champion a certain role.
- There was more work for officers to carry out to identify those areas were. It was an idea to ask the scrutiny committees to identify areas that could benefit from having a champion. A further report could then be brought back to committee in February.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend that Lead Officers for the Scrutiny Committees to review areas where it may be beneficial for the Council to have a champion. A report would then

be presented to a future meeting of the Constitution and Ethics Committee outlining those potential champions before any recommendations were made to Full Council.

20. CIVIC PROTOCOL – DECLARATION BY MAYOR

The Constitution and Ethics Committee received a report in relation to the mayor's declaration and the inclusion in the Civic Protocol.

The purpose of the report was to review the declaration an incoming Mayor signs in order to clarify that the postholder is agreeing to abide by the Council's Civic Protocol, which sets out the expectations for official civic and ceremonial events

The Director of Law and Governance introduced the report and commented that was a request of the Leader to add some wording into the acceptance of office from next municipal year and that correspondingly this be included in the declaration of office. Members were informed that comments had been received by the current Mayor and had been circulated to members of the committee. In addition, this had been discussed at Group Leaders meetings preceding the committee meeting.

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

- Group Leaders had agreed to refer the matter to the Constitution and Ethics Committee for discussion. The report was seeking a declaration by the mayor to abide by the Civic Protocol around the wearing of the civic regalia.
- The current Mayor had submitted his comments and had a strong view that the Mayor of Peterborough should have some discretion over what civic regalis was to be worn at different events.
- The role of the mayor needed to move with the times, there needed to be some discretion over what was worn, this would enable a better connection to residents of the city.
- This was about more than holding a view about the monarchy. It was symbolic that the mayor wore the correct civic regalia.
- There needed to be more clarity over what events required the mayor to wear the full regalia and insignia. There were formal occasions when the mayor did not have to wear the hat, however it was now being deemed necessary for major events.
- The Civic Protocol could be amended to prescribe what events needed the appropriate dress code. This would enable more certainty for the mayor and for officers.
- There was more time to look at this before it was implemented next May, it was advisable that officers needed to refine some elements before being presented to the committee at a later date.
- There was an argument that this was not in keeping with trying to modernise the mayor and make the role more relatable to the people of Peterborough.
- There was no clear definition of what a formal event was in the protocol, it was not sound to make changes without ensuring a fuller consultation.
- There was time before Full Council to add some further lines around formal events and make this clearer before a vote was taken.
- Some members felt that this could be amended and presented to committee at the November meeting.
- Members agreed that at this stage the protocol would be brought back to committee in November.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to review the Civic Protocol at the next meeting following additions outlining the different events that would require the mayor to wear the full civic regalia.

21. AMENDMENTS TO THE CONTRACT RULES

The Constitution and Ethics Committee received a report in relation to amendments to the Contract Rules.

The purpose of the report was to provide the Constitution and Ethics Committee the opportunity to review and approve amendments to the Contract Rules set out in Part 4, Section 10 of the Council's constitution.

The Director of Law and Governance introduced the report and commented that the recommendation had come from the Executive Director of Resources as the £5k limit was too low and required a lot of work to sign off small contracts. It was more reasonable to up this level to £25k to enable budget holders to take more responsibility over contracts.

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

- These changes allowed staff to make key decisions quicker and enabled senior directors to concentrate on the leadership of the Council. In addition, it provided officers with more decision-making powers.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council the amendments to the Contract Rules as set out in Appendix A.

REASONS FOR THE DECISION

The reason for the changes is to ensure that budget holders take responsibility and manage their budgets. This will assist in the process when goods, services or works are purchased and avoid unnecessary delays and excessive officer time being spent in relation to reasonably low value contracts.

22. 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 15 August 2022.

23. DISPENSATIONS ISSUED

The Constitution and Ethics Committee **RESOLVED** (Unanimous) to note that there had been no dispensations issues since the last meeting on 15 August 2022.

24. 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 Director of Law and Governance introduced the report and updated members on new complaints received and any that had been resolved since the last meeting.

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 15th August 2022

25. TRAINING RECORD

The Constitution and Ethics Committee received a report in relation to the training record outlining Councillor attendance at training sessions so far in the municipal year.

The purpose of the report was to for the Constitution and Ethics Committee to note the training record on training provided by the Council since May 2022

The Director of Law and Governance introduced the report and updated members on the level of training attended. There was still more work to do going forward and some sessions were better attended than others.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note the updated training record as at 6 October 2022.

26. WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

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

The Senior 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:

- There needed to be some work done in reviewing the Constitution to ensure that duplications and contradictions were reviewed and amended.

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

27. 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 Item 15 and 16, Honours Panel reports on the grounds that the item contains 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).

28. HONOURS PANEL – RETIRED COUNCILLORS – ALDERMAN STATUS

The Constitution and Ethics Committee received a report in relation to awarding retired Councillors Alderman Status.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to recommend to Full Council the granting of Alderman Status to those retired Councillors outlined in the report.

29. HONOURS PANEL REPORT

The Constitution and Ethics Committee received a further report with regards to the role as the Honours Panel

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

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CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 4
21 NOVEMBER 2022	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Fiona McMillan, Director of Law and Governance and Monitoring Officer	Tel. 452409

PROCESS FOR APPOINTMENT TO OUTSIDE BODIES

RECOMMENDATIONS	
FROM: Director of Law and Governance	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Recommend that Full Council approve the revised 'Section 5 – Appointments to External Organisations' as set out in Appendix 1 to the report. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee following consideration at the Committee meeting on 6 October 2022.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for the Constitution and Ethics Committee to review the current process for the appointment to outside bodies and determine whether this should be amended.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

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

3. TIMESCALES

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

APPOINTMENTS TO OUTSIDE BODIES

- 4.1 The process for appointments to outside bodies (also known as external organisations) is set out in the Council's constitution at 'Part 3, Delegations Section 5 - Appointments to External Organisations'.
- 4.2 The current process is, in summary, that the political proportionality for each year is determined and sent around to Group Secretaries. Each Group will then feedback to officers their proposals for their group seats.
- 4.3 If there are any disputes between groups in relation to which seats they want, then these disputed seats will be put to the Leader to determine. The Leader must take into consideration proportionality rules when making his determination.
- 4.4 It is local choice to have this decision rest with the Leader. Previous versions of this process have had this decision rest with Full Council. At its meeting on 6 October 2022, the Committee expressed a desire to have this decision rest with Full Council rather than the Leader.
- 4.5 Appendix 1 sets out the changes required to the Constitution in order for this to happen, and what the process would be. The rules in relation to automatic appointments to relevant Cabinet Members would continue to exist, as would guidance around the political proportionality of other appointments or nominations.
- 4.6 Full Council would note all appointments and nominations that are informally agreed at the Annual Council meeting. If there are any appointments or nominations that are still disputed by the date of the Annual Council meeting, these will be submitted to the Annual Council meeting for determination. Any proposals to resolved disputed appointments or nominations to positions outside of political proportionality must be accompanied with a rationale as to why this was considered to be the best course of action.

5. CORPORATE PRIORITIES

- 5.1 This proposal links to the following of the Council's Corporate Priorities:
1. The Economy and Inclusive Growth
 - There are no Carbon Impact implications arising from this report.
 4. Sustainable Future City Council – How we Work, How we Serve, How we Enable

6. CONSULTATION

- 6.1 No further consultation has taken place following the previous debate by the Constitution and Ethics Committee on 6 October 2022.

7. ANTICIPATED OUTCOMES OR IMPACT

- 7.1 That the process for appointment to outside bodies is as effective, transparent, and democratic as possible.

8. REASON FOR THE RECOMMENDATION

- 8.1 To ensure that the process for appointments to outside bodies is as up to date and effective as possible.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 That the process is not reviewed. This was discarded, as this would not reflect the wishes previously expressed by the Constitution and Ethics Committee.

10. IMPLICATIONS

Financial Implications

- 10.1 There are no financial implications arising from the report.

Legal Implications

- 10.2 If any recommendations are agreed this may involve updates to the Councils constitution.

Equalities Implications

- 10.3 There are none.

11. BACKGROUND DOCUMENTS

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

- 11.1 None.

12. APPENDICES

- 12.1 Appendix 1 - Revised 'Section 5 – Appointments to External Organisations' – Track Changed Version
- 12.2 Appendix 2 - Revised 'Section 5 – Appointments to External Organisations' – Clean Version

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Section 5 – Appointments to External Organisations

5.1 Introduction

5.1.1 The Council has partnership links with many external organisations, dealt with in the Constitution as follows:

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|--|--|
| (a) Partnerships | Council representatives participate in joint arrangements in which the Council is one partner. |
| (b) Appointments to external organisations | Council representatives are appointed to organisations wholly external to the Council. |
| (c) Commercial partnerships | Contractual relationships with a partner undertaking work for the Council. |

5.1.2 These links may be statutory or discretionary. For example, the (statutory) constitution of Internal Drainage Boards requires that some Board members be appointed by the Council. Discretionary external appointments may arise by invitation to the Council or by the Council's own initiative. The council will always assess the value of participation - will it benefit directly? If not, would participation still be beneficial to the community (whether financially or in other ways, due to council representation and endorsement)? The Council aims to maximise the benefit to be obtained from participation, both for the Council and the community.

5.2 Requirements and categories for appointing external representatives

5.2.1 In deciding whether or not the Council should make an appointment to an external organisation, one of the following criteria must be met:

- (a) Is the appointment a statutory requirement?
- (b) Is the proposed involvement consistent with the corporate strategy?
- (c) Does the proposed involvement add value to the Council's activities?

5.2.2 Each external organisation to which the Council makes an appointment, and partnership in which it participates, will be placed into one of the following categories:

- (a) ***Key partnerships*** - defined by the Council's partnership framework.
- ~~(a)~~(b) ***Council Owned Companies – Companies wholly or partly owned by the City Council.***
- ~~(b)~~(c) ***Strategic and executive*** - participation contributes to the Council's strategic functions, priorities and community leadership role and/or assists the Council in fulfilling its executive responsibilities.
- ~~(c)~~(d) ***Community engagement*** - Not necessary to fulfil strategic or executive function but still beneficial in terms of leading, engaging and supporting the community. District-wide role.
- ~~(d)~~(e) ***Local engagement*** - Community engagement focussed at ward level.

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5.3 Procedure for making external appointments

5.3.1 The determination of appointments to external organisations is legally a 'local choice' function which can be exercised by Council, a Committee, the Executive or a combination of these. To provide for ~~transport and speed~~***transparent and collaborative*** appointments ***process*** at the beginning of each municipal year, the

Part 3, Delegations Section 5 - Appointments to External Organisations

Council's external and partnership appointments will be determined by ~~Full Council~~~~the Executive~~ following the process below (which does not apply to officer participation).

- 5.3.2 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 5.3.3 Where participation by a category of person is specified (such as 'all the ward members' or 'the relevant cabinet member'), then these appointments will be automatic by virtue of office. The relevant Cabinet Member(s) will be determined by the Leader, if not readily apparent.
- 5.3.4 Other external appointments will be made following this procedure:
- (a) As soon as possible after the local elections each year (or by early May in a year without elections), the ~~Solicitor to the Council~~~~Monitoring Officer~~ convenes discussion between the political groups operating on the Council. Where possible, they will agree informally the allocation of seats upon external organisations and partnerships taking into account the principles contained in this procedure. As a general rule, elected members will fill all formal appointments available, but it is recognised that non-Member involvement at local level can be a useful way of promoting community engagement provided that good links with, and feedback from, such representatives, are maintained.
 - (b) For all seats in the **key partnerships** category ~~and the Council Owned Companies category (namely GPP and the six key partnerships)~~, the Executive seats required ~~by the partnership agreement~~ will be filled automatically by the relevant cabinet member. Where the relevant person is not readily identifiable, the Leader will determine which members are appointed to fill the required number of seats. The non-Executive seats required ~~by the partnership agreement~~ will be totalled across ~~these seven key partnerships~~~~the categories~~ and then -allocated proportionally to the Council's various political groups using this appointments procedure.
 - (c) For all seats in the **strategic and executive category**, ~~the presumption will be that the Executive allocates seats will be allocated -them-~~ to the political Administration except where:
 - (i) the external organisation's constitution/partnership agreement states otherwise;
 - (ii) in the case of the Local Government Association, where wider representation is usual;
 - (iii) the political Executive Administration decides otherwise.
 - (d) For seats in the **community engagement category**, excluding any allocated automatically by virtue of office, the total number of seats available across all organisations in the category will be calculated. Seats will then be allocated equitably amongst the Council's declared political groups, as far as is reasonably practicable reflecting the political balance of the Council. The final allocation does not have to be exactly proportional, provided that distribution is equitable.
 - (e) Seats in the **local engagement category**, excluding any allocated automatically by virtue of office, will be allocated having regard to the political composition of the ward(s) most closely affected. The expectation is that local candidates will be considered ahead of other nominees for representation.
 - (f) Where an appointment includes an option as to the **allocation of votes** (for example, at the Local Government Association assemblies), this appointments

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Part 3, Delegations Section 5 - Appointments to External Organisations

process will be used to determine vote allocation as well as named representation.

- (g) all seat and vote allocations made automatically, or agreed informally through this process by the political groups, will be authorised and implemented by the ~~Solicitor to the Council~~ Monitoring Officer and notified to Full Council.
- (h) any seat or vote allocation which is disputed must be reported by the ~~Solicitor to the Council~~ Monitoring Officer to the Leader of the Council ~~Full Council~~ for determination. Seat allocations will be deemed to be disputed if:
 - (i) either one or more political groups disagrees with the proposed allocation;
 - (ii) no informal agreement is reached by the day before the Annual Council meeting end of the second calendar week after the Annual Council Meeting (because it is essential to determine new appointments early in the municipal year, ahead of the annual conferences of the LGA and Eastern Regional Local Government Conference).
- (i) When determining disputed seats and votes, ~~the Leader~~ Full Council should have regard to the principles at a) to e) above although they are not absolutely binding. Any decision made contrary to these principles will be accompanied by an explanation as to why. ~~The Leader's decision may be delegated to the Deputy Leader or the Cabinet. All such appointments are published Executive decisions, available for scrutiny.~~

5.3.5 If an appointment vacancy arises during the municipal year, it will be filled following the process above. The ~~Solicitor to the Council~~ Monitoring Officer will start the informal process as soon as possible after the vacancy arises. The views of the political groups may be sought by telephone, in writing or via a meeting. In the community engagement category, the replacement representative will usually be a nominee of the same political group as was the outgoing representative.

5.3.6 When a new appointment opportunity arises, the ~~Leader of the Council~~ Group Leaders will informally determine by majority whether or not this should be accepted. ~~His/her/Their~~ decision will have regard to the appointment criteria listed above. If informally approved, the ~~Leader~~ Group Leaders will also determine by majority in which appointment category the appointment/participation should be listed, having regard to the descriptions above. This informal approval ~~(or rejection)~~ and categorisation will be a published Executive decision, available for scrutiny in the usual way referred to Full Council for formal adoption and appointment.

5.3.7 ~~The Leader~~ Full Council may review the list of organisations to which appointments are made at any time, although the Council will not usually expect to change arrangements in-year unless there is a particularly strong reason for doing so. ~~Any changes to participation will also be a published Executive decision.~~

5.3.8 All appointments will be listed in the Council's partnerships database.

5.4 Support for appointments to external organisations

5.4.1 **Lead officer:** A lead officer will be identified in the Council's partnership database for all appointments in the **key partnerships, Council-Owned Companies, and strategic and executive** categories. This officer will work closely with the appointed Member(s) to provide briefings and support. In turn, representatives will brief the lead officer regularly about discussions at external meetings and any activities which the organisation is undertaking, particularly as they affect the Council.

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5.4.2 **City Councillors appointed by non-Council routes:** The Council will take advantage of any appointments of its Members to national and regional bodies within the ***strategic and executive*** category, by means other than direct Council appointment. This may be, for example, via regional appointments from a pool of Members to ensure politically balanced representation. These appointments will be recorded in the Council's partnership database, and a lead officer will be allocated to brief/support, and be briefed by, the representative.

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5.4.3 **Briefings:** For organisations and partnerships in the ***community and local engagements categories***, a lead officer will not be allocated unless the Director and/or relevant Cabinet Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.

5.4.4 **Induction:** Partner/external organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of ***key partnership and strategic and executive*** appointments, it is the lead officer's responsibility to ensure that an induction is arranged.

5.5 Councillors' role in external and partnership appointments

5.5.1 Councillors fulfilling external and partnership appointments (and non-councillors fulfilling that role in the place of an elected member) are, in general, expected to see themselves as upholding the Council's interests. Their role includes:

- (a) representing and reporting the Council's interests and activities to the organisation;
- (b) feeding back to the relevant officers of the Council, and the Executive or committees;
- (c) where the Council makes a decision which affects the organisation/partnership, contributing information from the perspective of being a member on that body;
- (d) monitoring how resources given or lent to the organisation/partnership by the Council are used, especially by comparison with any conditions or Service Level Agreement involved, and notifying the Council of any problems identified;
- (e) using their position as an elected public representative to influence and ensure that other public or charity money is spent wisely;
- (f) helping the organisation/partnership to understand the Council's and Community Strategy priorities, and how the organisation/partnership can best contribute to or benefit from them;
- (g) lending support and endorsement to the organisation's activities, in the role of community leader and spokesperson;
- (h) submitting an annual report to the Council of their activities within the appointment.

5.5.2 A Council representative may, depending upon the organisation's legal status, be required to act in the best interests of that organisation - for example, trustees. This can cause tensions for the representative, but need not conflict. For example, the member must always declare their personal interest in any matter decided by the Council which affects 'their' organisation, if they are present and participate in the debate and decision. Further, acting in the best interests of the organisation does not override the need to ensure that public money allocated by the Council (or any other resources of the organisation) are used with probity, wisely and in compliance with any conditions attaching to those resources.

Part 3, Delegations Section 5 - Appointments to External Organisations

Part 3, Delegations Section 5 - Appointments to External Organisations

- 5.5.3 Councillors appointed as Trustees are personally responsible to the Trust as a Trustee (quite distinct from their duties as elected members) and are liable for any mismanagement or breaches of Trust because they are required to act in good faith and for the benefit of the Trust at all times. There are strict requirements for Trustees to administer/manage the Trust property for the benefit of the Trust (and not for any other purposes) and in accordance with the express terms of the Trust document.
- 5.5.4 Every external appointee is required to complete a short report at the end of the municipal year, to be submitted to the ~~Solicitor to the Council~~ Monitoring Officer. This is to state the extent of their attendance and involvement during the year, what has been achieved and whether continuing representation is considered worthwhile in their opinion. This information will be made available to the political groups and Leader to inform their decisions about the next year's appointments. It will also be made available to other Members on request.
- 5.5.5 All external representatives are expected to attend that organisation's meetings regularly. If they become unable to maintain this level of involvement and support, they should inform the ~~Solicitor to the Council~~ Monitoring Officer so that an alternative representative can be identified as soon as possible.

Section 5 – Appointments to External Organisations

5.1 Introduction

5.1.1 The Council has partnership links with many external organisations, dealt with in the Constitution as follows:

- | | |
|--|--|
| (a) Partnerships | Council representatives participate in joint arrangements in which the Council is one partner. |
| (b) Appointments to external organisations | Council representatives are appointed to organisations wholly external to the Council. |
| (c) Commercial partnerships | Contractual relationships with a partner undertaking work for the Council. |

5.1.2 These links may be statutory or discretionary. For example, the (statutory) constitution of Internal Drainage Boards requires that some Board members be appointed by the Council. Discretionary external appointments may arise by invitation to the Council or by the Council's own initiative. The council will always assess the value of participation - will it benefit directly? If not, would participation still be beneficial to the community (whether financially or in other ways, due to council representation and endorsement)? The Council aims to maximise the benefit to be obtained from participation, both for the Council and the community.

5.2 Requirements and categories for appointing external representatives

5.2.1 In deciding whether or not the Council should make an appointment to an external organisation, one of the following criteria must be met:

- (a) Is the appointment a statutory requirement?
- (b) Is the proposed involvement consistent with the corporate strategy?
- (c) Does the proposed involvement add value to the Council's activities?

5.2.2 Each external organisation to which the Council makes an appointment, and partnership in which it participates, will be placed into one of the following categories:

- (a) **Key partnerships** - defined by the Council's partnership framework.
- (b) **Council Owned Companies** – Companies wholly or partly owned by the City Council.
- (c) **Strategic and executive** - participation contributes to the Council's strategic functions, priorities and community leadership role and/or assists the Council in fulfilling its executive responsibilities.
- (d) **Community engagement** - Not necessary to fulfil strategic or executive function but still beneficial in terms of leading, engaging and supporting the community. District-wide role.
- (e) **Local engagement** - Community engagement focussed at ward level.

5.3 Procedure for making external appointments

5.3.1 The determination of appointments to external organisations is legally a 'local choice' function which can be exercised by Council, a Committee, the Executive or a combination of these. To provide for a transparent and collaborative appointments process at the beginning of each municipal year, the Council's external and partnership

appointments will be determined by Full Council following the process below (which does not apply to officer participation).

- 5.3.2 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 5.3.3 Where participation by a category of person is specified (such as 'all the ward members' or 'the relevant cabinet member'), then these appointments will be automatic by virtue of office. The relevant Cabinet Member(s) will be determined by the Leader, if not readily apparent.
- 5.3.4 Other external appointments will be made following this procedure:
- (a) As soon as possible after the local elections each year (or by early May in a year without elections), the Monitoring Officer convenes discussion between the political groups operating on the Council. Where possible, they will agree informally the allocation of seats upon external organisations and partnerships taking into account the principles contained in this procedure. As a general rule, elected members will fill all formal appointments available, but it is recognised that non-Member involvement at local level can be a useful way of promoting community engagement provided that good links with, and feedback from, such representatives, are maintained.
 - (b) For all seats in the **key partnerships** category and the **Council Owned Companies** category, the Executive seats required will be filled automatically by the relevant cabinet member. Where the relevant person is not readily identifiable, the Leader will determine which members are appointed to fill the required number of seats. The non-Executive seats required will be totalled across the categories and then allocated proportionally to the Council's various political groups using this appointments procedure.
 - (c) For all seats in the **strategic and executive category**, seats will be allocated to the political Administration except where:
 - (i) the external organisation's constitution/partnership agreement states otherwise;
 - (ii) in the case of the Local Government Association, where wider representation is usual;
 - (iii) the political Administration decides otherwise.
 - (d) For seats in the **community engagement category**, excluding any allocated automatically by virtue of office, the total number of seats available across all organisations in the category will be calculated. Seats will then be allocated equitably amongst the Council's declared political groups, as far as is reasonably practicable reflecting the political balance of the Council. The final allocation does not have to be exactly proportional, provided that distribution is equitable.
 - (e) Seats in the **local engagement category**, excluding any allocated automatically by virtue of office, will be allocated having regard to the political composition of the ward(s) most closely affected. The expectation is that local candidates will be considered ahead of other nominees for representation.
 - (f) Where an appointment includes an option as to the **allocation of votes** (for example, at the Local Government Association assemblies), this appointments process will be used to determine vote allocation as well as named representation.

- (g) all seat and vote allocations made automatically, or agreed informally through this process by the political groups, will be authorised and implemented by the Monitoring Officer and notified to Full Council.
 - (h) any seat or vote allocation which is disputed must be reported by the Monitoring Officer to Full Council for determination. Seat allocations will be deemed to be disputed if:
 - (i) either one or more political groups disagrees with the proposed allocation;
 - (ii) or no informal agreement is reached by the day before the Annual Council meeting (because it is essential to determine new appointments early in the municipal year, ahead of the annual conferences of the LGA and Eastern Regional Local Government Conference).
 - (i) When determining disputed seats and votes, Full Council should have regard to the principles at a) to e) above although they are not absolutely binding. Any decision made contrary to these principles will be accompanied by an explanation as to why.
- 5.3.5 If an appointment vacancy arises during the municipal year, it will be filled following the process above. The Monitoring Officer will start the informal process as soon as possible after the vacancy arises. The views of the political groups may be sought by telephone, in writing or via a meeting. In the community engagement category, the replacement representative will usually be a nominee of the same political group as was the outgoing representative.
- 5.3.6 When a new appointment opportunity arises, the Group Leaders will informally determine by majority whether or not this should be accepted. Their decision will have regard to the appointment criteria listed above. If informally approved, the Group Leaders will also determine by majority in which appointment category the appointment/participation should be listed, having regard to the descriptions above. This informal approval and categorisation will be referred to Full Council for formal adoption and appointment.
- 5.3.7 Full Council may review the list of organisations to which appointments are made at any time, although the Council will not usually expect to change arrangements in-year unless there is a particularly strong reason for doing so.
- 5.3.8 All appointments will be listed in the Council's partnerships database.
- 5.4 Support for appointments to external organisations**
- 5.4.1 **Lead officer:** A lead officer will be identified in the Council's partnership database for all appointments in the **key partnerships, Council-Owned Companies, and strategic and executive** categories. This officer will work closely with the appointed Member(s) to provide briefings and support. In turn, representatives will brief the lead officer regularly about discussions at external meetings and any activities which the organisation is undertaking, particularly as they affect the Council.
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Council's partnership database, and a lead officer will be allocated to brief/support, and be briefed by, the representative.

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 - (d) monitoring how resources given or lent to the organisation/partnership by the Council are used, especially by comparison with any conditions or Service Level Agreement involved, and notifying the Council of any problems identified;
 - (e) using their position as an elected public representative to influence and ensure that other public or charity money is spent wisely;
 - (f) helping the organisation/partnership to understand the Council's and Community Strategy priorities, and how the organisation/partnership can best contribute to or benefit from them;
 - (g) lending support and endorsement to the organisation's activities, in the role of community leader and spokesperson;
 - (h) submitting an annual report to the Council of their activities within the appointment.
- 5.5.2 A Council representative may, depending upon the organisation's legal status, be required to act in the best interests of that organisation - for example, trustees. This can cause tensions for the representative, but need not conflict. For example, the member must always declare their personal interest in any matter decided by the Council which affects 'their' organisation, if they are present and participate in the debate and decision. Further, acting in the best interests of the organisation does not override the need to ensure that public money allocated by the Council (or any other resources of the organisation) are used with probity, wisely and in compliance with any conditions attaching to those resources.

- 5.5.3 Councillors appointed as Trustees are personally responsible to the Trust as a Trustee (quite distinct from their duties as elected members) and are liable for any mismanagement or breaches of Trust because they are required to act in good faith and for the benefit of the Trust at all times. There are strict requirements for Trustees to administer/manage the Trust property for the benefit of the Trust (and not for any other purposes) and in accordance with the express terms of the Trust document.
- 5.5.4 Every external appointee is required to complete a short report at the end of the municipal year, to be submitted to the Monitoring Officer. This is to state the extent of their attendance and involvement during the year, what has been achieved and whether continuing representation is considered worthwhile in their opinion. This information will be made available to the political groups and Leader to inform their decisions about the next year's appointments. It will also be made available to other Members on request.
- 5.5.5 All external representatives are expected to attend that organisation's meetings regularly. If they become unable to maintain this level of involvement and support, they should inform the Monitoring Officer so that an alternative representative can be identified as soon as possible.

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CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 5
21 NOVEMBER 2022	PUBLIC REPORT

Report of:	Fiona McMillan – Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Fiona McMillan, Director of Legal and Governance and Monitoring Officer Rachel Edwards, Head of Constitutional Services	Tel. 452277

CIVIC PROTOCOL – DECLARATION BY THE MAYOR AND CIVIC INSIGNIA

RECOMMENDATIONS	
FROM: Director of Legal and Governance	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Review 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. 2. If (1) above is agreed, to recommend to Full Council that the Civic Protocol, as set out in the appendix, is updated to include the amended wording of the declaration of acceptance of office of Mayor. 3. Review, and agree and recommend to Full Council: - 4. the change to job title in Section 2.3. 5. the wording in Section 9.6. 6. 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 includes the additional calendar event relating to royal events. 7. the change to the Monarch in Section 12.4. 8. the wording in Section 13.3. 9. the wording in Section 14.2. 10. the wording in Section 15.2. 	

1. ORIGIN OF REPORT

1.1 This report was originally submitted to the Constitution and Ethics Committee following a previous discussion at the meeting on 6 October 2022. The committee agreed to defer this report and return to this meeting for further discussion.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is for the Constitution and Ethics Committee to review the declaration an incoming Mayor signs in order to clarify that the postholder is agreeing to abide by the Council’s Civic Protocol, which sets out the expectations for official civic and ceremonial events.

Further additional wording is recommended for the calendar of events, it is suggested to add recommendations of what civic insignia is required to be worn to informal and formal events, as well as the removal/amendment of wording from Sections 2, 9, 10, 12, 13, 14 and 15 of the Civic Protocol.

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

3. **TIMESCALES**

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

- 4.1 As Peterborough's 'first citizen', the Mayor acts as ambassador for the City Council, and also for Peterborough itself. The role of Mayor is to be an impartial figure who can represent the community at large.
- 4.2 The Mayor plays a key role at civic and ceremonial events and leads the city during key events to ensure historic traditions and values across the city and the Country as a whole are upheld, respecting the institution and role the Council plays in such events.
- 4.3 It is important that an incoming Mayor is aware of the Council's expectations in relation to the role and the role of the Civic Protocol in setting out these expectations, when deciding whether to accept the nomination. Officers currently go through the wording of the Civic Protocol with the Mayor Elect from February, prior to the election of Mayor in May each year. It is therefore suggested that the Mayor makes an extended declaration (suggested wording in 4.4) in order to clarify expectations.

Section 8.1 of the Civic Protocol outlines what the Civic Insignia entails: -

- 4.4 *As Mayors in Peterborough wear a robe of office, together with a chain of office on all formal ceremonial occasions. If the ceremony is out of doors, the Mayor will wear a hat, which in the case of a man is a black cocked hat and for a lady a black tri-corn hat. On normal day to day civic occasions, the Mayor and Mayoress will wear only the chain of office. The Mayor is expected to wear the robe and chain of office for Council meetings, but if it is particularly hot, the Mayor can adjourn the meeting and remove the robe.*

It is therefore suggested additional wording, as set out below, to be included in the Declaration of Acceptance of Office, from the next Municipal Year, from May 2023, and that this declaration is itself specially included with the Civic Protocol itself to avoid any confusion and add clarity.

Current wording of declaration: -

"I, XX, having been elected Mayor of the City of Peterborough, do hereby declare that I take the said office upon myself and will duty and faithfully fulfil the duties thereof according to the

best of my judgement and ability”

Proposed wording of declaration:-

“I, XX, having been elected Mayor of the City of Peterborough, do hereby 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’ Civic Protocol.”

- 4.5 It is therefore suggested additional wording, as set out below, to be included in Section 8.1 of the Civic Protocol.

Proposed wording for Section 8.1 of Civic Protocol:-

“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 is expected to wear the robe and chain of office for Council meetings, but this is at the mayor’s discretion.”

- 4.6 There are a series of further amendments to the Civic Protocol for your recommendation, these are shown below: -

Section 2.3 - change of job title for Director's role.

Section 9.6 - change wording to the “King” and “his majesty”.

Section 10.1 - additional information showing the recommended civic insignia to be worn at each informal and formal event.

Section 12.4 - Change in Monarch for the “Loyal Toast” - “The King”.

Section 13.3 - Removal of Retired Councillors gift.

Section 14.2 - Mayor is recommended not to take the Chains of Office on trips overseas and therefore the removal of wording relating to insurance.

Section 15.2 - Civic awards – currently the nominations require two supporters to endorse the nominee. Change this to one supporter. If a volunteer with a group act as a supporter, then further additional information in a supporting letter is required.

5. CORPORATE PRIORITIES

- 5.1 The recommendations links to the Sustainable Future City Council Corporate Priorities and supports the work that the Mayor of Peterborough contributes to the serving all communities within the city.

6. CONSULTATION

- 6.1 Group Leaders have been consulted on the proposals to specifically make reference to any incoming Mayor agreeing to abide by the Council’s Civic Protocol when they make their declaration of acceptance of office.
- 6.3 The recommendation has been discussed with the Leader of the Council, Chief Executive, Group Leaders and the Constitution and Ethics Committee, this report is being brought back to this committee for further debate.

The recommendation does not need to be presented to Financial Sustainability Working Group and All-Party Policy.

7. ANTICIPATED OUTCOMES OR IMPACT

- 7.1 That the Civic Protocol in the Council Constitution will be amended to include reference to the wording of the declaration by the mayor, which is made before they take office at the beginning of each Municipal Year,

8. REASON FOR THE RECOMMENDATION

- 8.1 To ensure the Mayor, First Citizen of Peterborough is aware of accepting of the role before taking office.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 To do nothing and leave the Civic Protocol as currently written.

10. IMPLICATIONS

Financial Implications

- 10.1 There will be a saving to the Council if no retired councillors' gifts are purchased.

Legal Implications

- 10.2 If any recommendations are made this may involve updates to the Councils constitution.

Equalities Implications

- 10.3 None.

11. BACKGROUND DOCUMENTS

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

- 11.1 None.

12. APPENDICES

- 12.1 Appendix 1 – Civic Protocol track changes.



Peterborough City Council

Civic Protocol

(updated October 2022)

Contents

<u>Section</u>	
1	The importance of the Council's mayoralty and civic service
2	The Mayor's statutory role
3	The Mayor's civic role
4	How the Mayor is appointed
5	The Mayoress or Consort
6	The Deputy Mayor and Deputy Mayoress or Consort
7	The Mayor's Chaplain and Cadet, and the Town crier
8	Civic insignia
9	Formal address and orders of precedence
10	The Council's programme of civic events
11	Civic hospitality
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13	Civic gifts
14	European and other overseas links
15	Honours Panel Criteria
16	Freedom of the City of Peterborough
17	Honorary Alderman
18	The Mayor's charities and the Charity Committee
19	The Mayor's and Deputy Mayor's allowance
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Civic Protocol

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

- 1.1 Peterborough City Council plays an important part in providing community leadership. The City Council recognises two key aspects to this: political leadership is provided through the Leader of the Council and other Cabinet Members who together form the Executive; while civic leadership is focussed upon the mayoralty, provided through the Council's civic service.
- 1.2 As Peterborough's 'first citizen', the Mayor acts as ambassador for the City Council, and also for Peterborough itself on the wider regional, national, and international stage. By being an impartial figure, they can represent the whole community, regardless of differences. The Mayor can visit communities and business interests both in Peterborough and farther afield, representing the Council and the City, and they can also welcome delegates and visitors to the City Council on the community's behalf.
- 1.3 The civic function provides an element of continuity in the community, even though the incumbent of the mayoralty may change annually. It can act as a focal point for community celebrations and pride and also commemorations and shared sorrow. Civic events and hospitality are an important part of community life, enhancing its social fabric and helping to attract confidence in the City which brings benefits in terms of inward investment. The Council's civic programme is reviewed annually by the Head of Constitutional Services and the Executive and Members Services Manager with the Mayor to ensure that it retains its important traditions and continuity, while also adapting where appropriate so that it remains attractive and relevant to the community.

2 The Mayor's statutory role

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

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

s4(i) - "The election of the chair (mayor) shall be the first business transacted at the annual meeting of a principal council".
- 2.2 As chair of Council, the Mayor's role is to ensure proper conduct of the Council meeting in compliance with the law and the Council's procedural rules for meetings. They are also required to:
 - o determine whether urgent items may be considered at a Council meeting without prior notice;
 - o determine whether or not to call an extraordinary meeting of Council; and exercise, if they wish to, a second or 'casting vote' at Council in the event of an equal vote upon any issue.
- 2.3 The Mayor is advised, in this function, by the Chief Executive or Director of [Legalaw](#) and Governance and the Head of Constitutional Services.
- 2.4 The Mayor is expected during their term of office to remain politically impartial. Councillors will support the Mayor in this and respect their neutral position.

3 The Mayor's civic role

- 3.1 In fulfilling the role of Peterborough's first citizen, the Mayor is expected to speak and act for all the diverse communities represented in Peterborough.
- 3.2 The Mayor will usually lead each of the civic events in the Council's annual programme. They also attend all events, wherever possible, to which the Council has been invited to send a civic

5/3

representative. In particular, priority will be given to events involving the Lord-Lieutenant to which the Council is invited to send a civic representative and to the Council's key priorities on supporting communities and promoting the City rather than merely attending other authorities' events. Where it is not possible for the Mayor to attend such an event, the Deputy Mayor will attend in their place. When considering attendance, the Mayor and Executive and Members Services Manager will balance civic priorities against the need to honour prior engagements where possible.

- 3.3 When the Council requires a leading figure to be present at an event which it has organised in connection with the services which it delivers within the community – such as to open a new service or a festival – the Mayor will usually be invited to fulfil that role. If this is not possible, the Deputy Mayor will be invited. Where events are community-based, the officers arranging the event will usually invite ward councillors to attend. This would typically be undertaken by the organisers of the event not the Executive and Members Services team.
- 3.4 If the Mayor accepts an invitation to attend a function in another local authority, it is courtesy to seek the consent of the Mayor or Chair of that local authority if the invitation did not come from their civic office and to request permission for the wearing of chains at the event.
- 3.5 The Mayor is frequently invited to attend events in the community, such as openings and fund-raising events organised by voluntary organisations. There are also invitations to attend lectures, social events and so forth. Where possible the Mayor or Deputy will attend. However, the mayoral calendar is busy and this will not always be possible. The Mayor will, in deciding whether or not to accept an invitation, give priority to events described at section 3.2 above, and to those which promote Peterborough. They will also have regard to advice from the Executive and Members Services Manager and to the date order in which invitations are received into the Office.
- 3.6 Once the Mayor is elected, they will discuss with the Executive and Members Services Manager and Head of Constitutional Services the coming year to plan ahead for civic events and will take officers' advice about any issues or events arising that year which would particularly benefit from the Mayor's involvement, and it is usual for the Mayor to select one or more themes which they would like to focus upon during their mayoral year. These discussions will guide officers in identifying those events which the Mayor should participate in and help the Mayor and Executive and Members Services Manager to assess which external invitations the Mayor should accept.
- 3.7 In addition to the Mayor or Deputy Mayor attending an event, it is also noted that other Cabinet Members, Chief Officers, Leader of the Council, Chief Executive or other members may have been invited by the organisers of the event, and in some cases, may be asked to deliver speeches.
- 3.8 The Council's role in extending civic hospitality is described at section 11 below.

4. How the Mayor is appointed

- 4.1 The procedural rules set out in the Council's Constitution, governing the conduct of Council business, describe the procedure for identifying a 'Mayor-Elect' each year, to allow the person selected sufficient time to make adequate preparations for the year of office well in advance of actual election at the Annual Council Meeting. Councillors remain after the closure of a Council meeting early each New Year, for a private meeting of all members. The usual practice is for the Chief Executive to facilitate the meeting by inviting councillors to propose a candidate. This is usually done with a short speech, and duly seconded. Any further nominations are made in the same manner. The Chief Executive then invites councillors to vote for each candidate in turn. Thus, the candidate most likely to receive Council's formal support at the Annual Council Meeting is identified, but the resulting nomination has no official status, no minutes are taken, and the result is not binding upon the Annual Meeting.
- 4.2 Peterborough City Council appoints Mayors on the basis of their length of service with the Council. The Council may take into account factors such as experience at chairing meetings, the need for the Mayor to have time to attend many ~~day-time~~ daytime as well as evening appointments, and the range of duties which the Mayor will be required to undertake. It is also usual for the Mayor and

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Deputy Mayor to represent two different political parties, although this is not obligatory. Mayors serve a one-year term of office.

- 4.3 A Mayor's Induction pack is provided by Executive and Members Services Team which explains the full range of issues with which the Mayor will become involved.

5. The Mayoress or Consort

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

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

6. The Deputy Mayor and Deputy Mayoress or Consort

- 6.1 The Deputy Mayor will deputise whenever the Mayor is unable to carry out a mayoral duty. In particular, if the Mayor is not able to present at a Council meeting, the Deputy Mayor will take the chair. When the Mayor is present at Council, the Deputy Mayor will sit to the Mayor's side upon the dais in order to help the Mayor in chairing the meeting (for example, identifying councillors who wish to speak about an item under discussion).

- 6.2 The Deputy Mayor will also be invited to attend each of the events in the Council's annual civic events programme, forming part of the mayoral party. They will deputise for the Mayor at such events, in the Mayor's absence.

- 6.3 The Deputy Mayor will attend council-run or external events where possible, if the Mayor is unable to do so. In deciding whether or not to accept such invitations, the Deputy Mayor will have regard to the same advice and priorities as are indicated for the Mayor at paragraph 3.4 above.

- 6.4 Like the Mayor, the Deputy Mayor usually identifies a companion to accompany them to civic and social events attended in their official capacity as Deputy Mayor. A female companion is designated Deputy Mayoress, while a male companion is designated the Deputy Mayor's Consort.

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

- 7.1 It is custom and practice for the Mayor to appoint a Chaplain. The appointment is honorary, is at the Mayor's discretion and has no official status. The Chaplain acts as spiritual adviser to the Mayor, says prayers before each Council meeting and attends major civic functions and dinners where they will be expected to say grace. The Chaplain will also make arrangements for the Mayor's Civic Service, held each year in the Mayor's own ward.

- 7.2 The Mayor may also consider appointing a Mayor's Cadet for their term of office. This will be young person from the army, naval, air force or police cadets, selected by the Mayor. Like the Chaplain, the position of Mayor's Cadet is honorary, at the Mayor's discretion and has no official status. The Cadet, where appointed, will accompany and assist the Mayor at official functions, enabling a young representative to be present at civic events and also providing good opportunities for personal development for the cadet.

- 7.3 Peterborough's Town Crier is an honorary position. The Crier is chosen from candidates who come forward after public advertisement or notice and is selected by the Leader of the Council usually after a public 'crying' competition. The appointment is generally continued from year to year, until the current incumbent stands down. The Crier is expected to uphold the dignity of their office but may also engage in other crying activities, provided that these do not bring the office of Town Crier into disrepute.

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8. The civic insignia

- 8.1 Mayors in Peterborough wear a robe of office, cuffs and neck tab, together with a chain of office on all ~~formal~~ 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 is expected to wear the robe and chain of office for Council meetings, but **this is at the mayor's discretion**. ~~if it is particularly hot, the Mayor can adjourn the meeting and remove the robe~~
- 8.2 If the Mayor accepts an invitation to attend a function in another local authority, it is courtesy to seek the consent of the Mayor or Chairman of that local authority to wear the chain of office if this is required.

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9. Formal address and orders of precedence

- 9.1 In writing, and on formal occasions, the mayor should be addressed as 'The Right Worshipful the Mayor of the City of Peterborough'. At all other times the mayor has discretion as to whether the correct form of address is "Mr Mayor", "Madam Mayor" or "Mayor" and then their surname.
- 9.2 The precedence of the Mayor is set down under Section 3(4) of the Local Government Act 1972 which states "The Chair of the District Council shall have precedence in the District, but not so as prejudicially to affect Her Majesty's royal prerogative."
- 9.3 The Lord Lieutenant, when present at a civic procession or royal occasion, takes precedence over the Mayor as the monarch's representative. The Deputy Lord Lieutenant of the County does not take precedence over the Mayor, unless he is deputising for the Lord Lieutenant. There are no clear rules in respect of the precedence of the High Sheriff, but general advice is that the High Sheriff's duties are largely restricted to judicial functions, so they do not represent the monarch in the same way as does the Lord Lieutenant. Therefore, if the High Sheriff is present at a city occasion, they should yield precedence to the Mayor. The precedence of other office holders is very much based upon guidance available in books of etiquette, together with local tradition.
- 9.4 Where possible a Police Representative or the Mayor's Support Officer will lead the Mayoral Party processions and the order of precedence for the City of Peterborough for civic processions and royal occasions is as follows (see also paragraph 9.6 below):

The Lord Lieutenant The Mayor and Mayoress/Consort The Chief Executive and Leader of the Council The Deputy Mayor and Mayoress/Consort Any Minister of the Crown present* The High Sheriff Members of Parliament (Privy Councillors have precedence)** Elected Mayor	(This group forms the mayoral party)
Serving Military Representatives Police & Crime Commissioner Police and Fire Honorary Freemen of the City (representatives of organisations which have received this honour will follow individual freemen) Honorary Alderman Past Mayors Chief Constable and Chief Fire Officer Visiting Chairs	

Visiting Mayors (these may come later in the procession, after city councillors, in cases where a large number of visitors are present) Leader of the Council Cabinet Members Group Leaders Other city councillors and city council officers Other guests	
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* Where it is customary to include local Members of Parliament (MPs) in the order of precedence for a civic procession, most local authorities place them between the mayoral party and councillors. This is the case in Peterborough. However, if an MP is a Minister of the Crown, they are included in the mayoral party.

** Where an MP is a Privy Councillor, they take precedence over other MPs.

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

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

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

Apart from the lead from the Lord Lieutenant and High Sheriff – other order to be same as above. On the occasion of a royal visit to Cambridgeshire, which includes Peterborough, then the Cambridgeshire County Council chair-will also be presented.

10. The Council's programme of civic events

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

Annual programme of civic events	Usual time of year	Principal organisation(s)
<u>Mayor Making and Annual Council Meeting</u> (This includes the ceremonial investiture of the Mayor, and an event in honour of the retiring Mayoral Party and new Mayors). (Mayor Making – Formal insignia, robe, cuffs, neck tab and chains)	May	Peterborough City Council Executive and Members Services liaising with Democratic and Constitutional Services

<u>(Annual Council – Robe and chains) (If hot, then this is at the Mayor's discretion)</u>		
<p><u>Royal Visits and events in relation to the Monarchy</u></p> <p><u>(Outside event – Full civic insignia – Robes, cuffs, neck tab, chains and hat)</u></p> <p><u>(Inside event – the hat can be removed; all other insignia remains)</u></p>	Anytime	<p>Royal visits are typically organised via the Lieutenancy Office liaising liaising with Executive & Members Office to ensure availability of the Mayoral Party</p>
<p><u>Cathedral Civic Mayors Installation Service</u> (To install the Mayor in their seat in the Cathedral. Also an opportunity to formally seek spiritual blessing and guidance for the new Mayor throughout their term of office.)</p> <p><u>(Robes, cuffs, neck tab and chains)</u></p>	June	Peterborough City Council Executive and Members Services liaising with Cathedral
<p><u>Town Hall 'Open Day'</u></p> <p>(An opportunity for any member of the public to visit the Town Hall or Sand Martin House, meet the Mayor and see displays about the Council's role and services. Light refreshments are served, where possible by pupils from a senior school in the Mayor's ward.)</p> <p><u>(Chains only)</u></p>	June	Peterborough City Council Executive and Members Services
<p><u>The Mayor's Civic Service</u></p> <p>(A service at a place of worship in the Mayor's own ward.)</p> <p><u>(Robes, cuffs, neck tab and chains)</u></p>	Timing is at the Mayor's discretion	Peterborough City Council/the Mayor's selected place of worship Executive and Members Services in liaison with nominated Church
<p><u>Traditional opening of Bridge Fair</u></p> <p>(The Mayor opens the fair at The Embankment, and the fair master takes the mayoral party and guests – including mayors from other local authorities in the area - on a tour of the fair; afterwards, guests are traditionally invited to join a 'sausage supper' at the Town Hall or Sand Martin House, the proceeds of the tickets for which go to the Mayor's charity fund.)</p> <p><u>(Robes, cuffs, neck tab and chains)</u></p>	First Tuesday in October	Peterborough City Council Executive and Members Services

<p><u>Remembrance Sunday Service and Parade</u></p> <p>(The service is preceded by a military and civic procession from the Town Hall to the cathedral, where wreaths are laid at the war memorial prior to the service and followed by a military parade with a march past the Town Hall at which the mayoral party takes a salute outside the Town Hall. The civic procession follows back to the Town Hall, and a wreath above the Town Hall front door is unveiled.</p> <p>(Robes, cuffs, neck tab and chains)</p>	<p>November</p>	<p>The wreath laying service and civic procession is organised by the Executive and Members Services Team in liaison with the Royal British Legion and the Cathedral.</p>
<p><u>Two Minutes' Silence</u></p> <p>(A short service takes place at 11am on Armistice Day at the War Memorial. It is preceded and followed by a civic procession to and from the Town Hall. The vicar of St John's Church presides at the service and is joined by the mayoral party and the President of the Royal British Legion.</p> <p>(Robes, cuffs, neck tab and chains)</p>	<p>November</p>	<p>Organised by the Executive and Members Services Team in liaison with Royal British Legion representatives</p>
<p><u>Holocaust Memorial Day</u></p> <p>(A local event linked to this national day, often comprising a museum exhibition and an outdoor service representing as many of Peterborough's communities as possible. Remembering past tragedies and promoting harmony and tolerance.)</p> <p>(Robes, cuffs, neck tab and chains)</p>	<p>January</p>	<p>Peterborough City Council, in partnership with community representatives and Executive and Members Services</p>
<p><u>Fly the Flag Events such as Commonwealth Day, Armed Forces Week, Red Ensign, Windrush, NHS Day, 999 Emergency Services Day plus others as noted.</u></p> <p>See 10.2</p> <p>(Robes and chains)</p>		<p><u>These events are typically national flag raising days and are organised by the Executive & Members Office</u></p>
<p><u>Freedom Parade</u></p> <p>See 10.3</p> <p>(Robes, cuffs, neck tab and chains)</p>		<p><u>These parades are at the request of the organisation and would be organised by Executive & Members in</u></p>

		conjunction with the organiser.
<p>The Mayor's Ball</p> <p>(This is the Council's major civic social event of the year, open to anyone upon purchase of a ticket. The proceeds go to the Mayor's charity fund. Fundraising activities associated with the Ball are the responsibility of the Mayor's voluntary Charity Committee, but the Mayoral Services Team organises the Ball itself.)</p> <p>(Robe, cuffs, neck tab and chains to welcome guests)</p> <p>(Chains only for dinner)</p>	<p>May</p> <p>Now generally scheduled as the Mayor's Finale Ball</p>	<p>Organised by Executive and Members Services and supported by the Mayor's Charities.</p>

10.2 Other civic events may be arranged during the year and include Fly the Flag events for the Commonwealth, Armed Forces, Red Ensign (Navy), 999 Emergency Services Day and Windrush Day. This can include, for example, parades or civic receptions for visitors or events of major significance (such as a visit from the civic party representing one of the Council's twinned authorities) or associated with the opening of a major festival. Executive and Members Services Team will ensure that the Mayor and guests are invited and will also arrange any reception required at the Town Hall or Sand Martin House.

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

11. Civic hospitality

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

11.2 Such hospitality will usually be organised and funded by the Council's Executive and Members Services budget, but significant commitments instigated by a service department would require support and contributions from the lead service department. The Mayoral hospitality budget and programme are managed by the Head of Constitutional Services and Executive and Members Services Manager, in consultation with the Leader of the Council and the Chief Executive, who may be requested to approve funding for special events over and above the civic hospitality cash limited budget when this would be in the best interests of Peterborough. Any other civic hospitality commitments that the Mayor wishes to incur will be met by the Mayor personally.

11.3 Members of the public are able to write and request a tour of the Town Hall public rooms. The Executive and Members Services Team will accommodate such requests wherever reasonably possible. Upon such occasions, the Mayoral Support Officer will accompany the visitors and explaining the history of the public rooms and the Council's civic procedures. This

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activity is often associated with educational visits, by students or younger children. A small charge may be levied, to cover the Council's reasonable costs.

12. Civic dinners

- 12.1 At formal civic dinners, guests are received at an opening reception by the Mayor and their consort, accompanied by the Deputy Mayor and their consort.
- 12.2 After the reception, guests are invited to the dining room. A seating plan will be pre-arranged by the Executive and Members Services Team. At the top table, the principal guest will be seated at the Mayor's right while the Mayoress/Consort is placed at the Mayor's left. The principal guest's partner takes the seat next to the Mayoress/Consort.
- 12.3 If the Mayor and Deputy Mayor are robed, while guests are moving from the reception to their seats the Mayor and Deputy may remove their robes. They will retain their chains of office, as will the Mayoress/Consort and Deputy Mayoress/Consort. When the Mayor and Mayoress/Consort are ready, the Mayoral Support Officer will announce their arrival to the assembled guests, and they will then be 'clapped' to their places.
- 12.4 Prior to the guests being invited to sit down, the Mayor's Support Officer will announce that the Mayor's Chaplain or other designated person will say grace. Guests will then sit, and dinner will be served. Following the meal, toasts will be called. The first will be the 'Loyal Toast' to the monarch, proposed by the Mayor or the Leader of the Council. All present should be asked to stand and the Mayor/Leader will say "The ~~Queen King, King~~". No other names or persons are added to the 'Loyal Toast'. Other toasts will follow as listed in the printed menu.

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13. Civic gifts

- 13.1 It is common practice for the Mayor and Deputy Mayor to be given gifts when attending external functions in their official capacity. Gifts are also often exchanged when delegates visit Peterborough. It is custom and practice that the Mayor or Deputy Mayor receives such gifts on behalf of the City Council, and they are forwarded to the Mayor's Support Officers for entry on the civic inventory and displayed as appropriate.
- 13.2 Small gifts, such as badges or pens which are clearly indicated as a personal gift for the Mayor or Deputy Mayor, may of course be kept. They Mayor and Deputy should have regard to the Code of Conduct for Councillors when deciding whether to receive and keep such gifts and should ensure that they are recorded in the hospitality register as required by the code (currently, this requires as a minimum that all gifts valued at £50 or over should be recorded). Gifts which the Mayor or Deputy receive in their official capacity are recorded in a register held by the Executive and Members Services Manager; any gifts received in their capacity as an elected councillor are recorded in the register applicable to all councillors, held by the Director of Law and Governance.
- 13.3 The Executive and Members Services Manager obtains civic gifts, as required, with agreement from the Head of Constitutional Services. These are used upon the following types of occasion:

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Gift purpose	Typical example of a gift which may be given (this list is for guidance only)
<p>To recognise the contribution of retired and non-elected councillors who have served for a considerable length of time or have served as Mayor;</p>	<p>Possibly a glass paperweight, crystal glasses, china plate or a crystal bowl bearing an inscription such as "For services to Peterborough City Council". The type of gift will reflect the length of service. For a particularly long-serving councillor, a specific gift with a personal engraving might be appropriate</p>

Ambassadors and other visiting dignitaries representing a city elsewhere and gifts taken to the City Council's twinned and friendship cities during official visits	Possibly a clock or other suitable item, engraved with the Peterborough crest.
Small gifts for visitors such as volunteer organisations, youth organisations, etc.	Mayors Badges

13.4 The list above is not exhaustive. The Head of Constitutional Services and Executive and Members Services Manager ensure that expenditure is controlled carefully, while ensuring that the dignity of the occasion and/or the contribution of the recipient is properly reflected.

14. European and overseas links

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

14.2 The Mayor, as the representative of the City, is often invited to attend civic ceremonial functions, business conventions, events and exhibitions in Peterborough's partner cities. The Mayor may be offered the opportunity to undertake a visit to one of the twinning Towns, which is determined by budget constraints. This is to be discussed with the Head of Constitutional Services and Executive and Members Services Manager. The Mayor may accept additional invitations to visit Peterborough's twin towns if they incur the costs personally, ~~and provide sufficient insurance cover for the Mayoral chains should the Mayor wish to take them on the trip.~~

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

14.4 If an invitation to visit Peterborough is extended to a Mayor or other delegates from any of Peterborough's partner cities, on behalf of the Council, the general expenses of the visit will be funded from both the Executive and Members Services Budget and other partner organisations. On occasions, the Mayor may host a civic reception for the visitors, the Executive and Members Services budget may provide the funding - subject to budget constraints and approval from the Head of Constitutional Services and Executive and Members Services Manager.

15. Council Honours

15.1 One of the roles of the Constitution & Ethics Committee is to receive and consider nominations for Council honours, including Freedom of the City, Honorary Alderman, Civic Awards and National Honours, and make recommendations to Full Council or to other relevant bodies on behalf of Full Council.

Civic Awards

15.2 All group nominations must be endorsed by ~~two~~ one supporters, who must not be involved in running the group, or be a partner or relative of anyone in running it. A volunteer with the group or a beneficiary of its services may act as a supporter, but if they do, an additional supporting letter may be required ~~the other supporter must be completely independent of the group.~~ The criteria for a group nomination is: -

- provide a high-quality service to benefit individuals or groups in the community
- operate and provide a service in Peterborough
- must have been operating for a minimum of 3 years (exceptions may be made for short-term projects), and
- must be made up entirely of volunteers (including trustees), or it includes some paid staff, but they must be in the minority of those involved.

15.3 All individual nominations must be endorsed by one supporter, who must not be a partner or relative to that individual. The individual must show extraordinary achievements and contributions. Some examples of categories for an individual nomination are: -

- Public service nurses, doctors, teachers, civil servants, police officers
- Exceptional service to the local community
- Involvement in business and industry
- Scientists
- Arts practitioners and administrators – artists, actors, musicians, writers etc.
- Involvement in sport
- Journalists and broadcasters

15.4 The Constitution & Ethics Committee will consider nominations and make recommendations to an extraordinary meeting of Full Council.

16 Freedom of the City of Peterborough

16.1 Freedom of the City may be offered in accordance with the provisions of section 249 (5) of the Local Government Act 1972 (as amended by section 180 of the Local Government Planning and Land Act 1980). Nominations will be considered by the Constitution & Ethics Committee with recommendations made at an extraordinary meeting of Full Council.

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

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

16.4 In order to award the freedom, the Council must hold an extraordinary meeting convened for that purpose only. The decision to award the freedom must, as a legal requirement, be supported by not less than two-thirds of those present and voting at the special convened meeting. Once the decision has been made by Council, a separate ceremony will be arranged later to mark the presentation of the honour. This may include a freedom march, in the case of a military honour. All recipients are noted on the plaque outside of the Council Chamber.

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

17 Honorary Alderman

17.1 Honorary Alderman may be offered in accordance with the provision of section 249 of the Local Government Act 1972. Nominations should be made by Group Leaders on behalf of their groups to the Constitution & Ethics Committee, who will make recommendations to an extraordinary meeting of Full Council.

17.2 Alderman status may be awarded to a past Councillor, who has served a minimum of three terms or 11 years of office and that are considered to have rendered eminent services to the Council.

17.3 Past Councillors awarded Alderman Status are invited to attend all civic events organised by the Council and also to Mayor's charity events. They are invited to participate in civic processions, in the order of precedence indicated earlier in this protocol.

17.4 In order to award Alderman Status to past members of the Council, the Council must hold an extraordinary meeting convened for that purpose only. The decision to award Alderman Status must, as a legal requirement, be supported by not less than two-thirds of those present and voting at the special convened meeting. Once the decision has been made by Council, a separate ceremony will be arranged later to mark the presentation of the honour.

18 The Mayor's charities and the Charity Committee

18.1 At the Annual Council Meeting, the Mayor will announce the charity or charities for which they will support and promote fundraising activities during the year. It is usual for these to be locally based charities which are able to supply a small number of dedicated volunteers who can form the Charity Committee during that mayoral year together with a larger number of volunteers who can devote time to running fundraising events. The Mayor of Peterborough Charities is now registered as a charity with the Charity Commission and Trustees need to be identified from the Committee and registered with the Commission.

18.2 It is the Mayor's responsibility to convene their Charity Committee at the start the mayoral year – preferably, the committee members will have been identified earlier, once the Mayor-Elect is identified in January. At the inaugural meeting, the committee will appoint its chairman and secretary. The Head of Constitutional Services will give guidelines as to what is expected of the charity members and the Executive and Members Services Team during the mayoral year.

18.3 The Executive and Members Services Manager will be appointed as treasurer at the AGM Charity meeting, along with Chair and Secretary. The Executive and Members Services Team can provide assistance with printing of posters and tickets for charity event. However, the Mayor's Ball ~~and~~; the Sausage Supper ~~and the Proms Concert~~, ~~all of which~~ are civic events planned, organised and co-ordinated by the Executive and Members Services Team, even though the proceeds of them go to the Mayor's charities. The Head of Constitutional Services act as a trustee for this committee.

18.4 The Charity Committee will organise and run their events; collect tombola and raffle prizes; and actively help to promote, sell tickets and seek sponsorship.

18.5 The Executive and Members Services Manager records and receipts all monies from fundraising events in the charity bank account, reports a statement of the account at each committee meeting and presents cheques to the Mayor's chosen charities at the end of the Mayoral Municipal year, usually at an informal presentation in the Mayor's Parlour. At the end of each Mayoral year, PCC's internal audit team review the accounts for that year.

19 The Mayor's and Deputy Mayor's allowances

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

19.2 The types of expenditure which Peterborough City Council expects its mayor's allowance, which is retained by the Executive and Members Services Manager to cover are the provision of any tickets purchased for the Mayor and their consort as part of functions attended in the capacity of mayor (such as for a dinner); the Mayor's tickets to their own charity events and the Mayor's Ball; the cost

of their ward civic service and refreshments. Any unused balance in this account at the year-end is returned to the Council's general fund and offered as a saving to this budget area.

- 19.3 The Deputy Mayor's allowance is to cover their personal expenses, and those of their consort, similarly to the Mayor's allowance.
- 19.4 An element of the allowance to the Mayor and Deputy Mayor is paid to them directly via their members' allowance, and this is intended to cover expenditure (such as clothing, dry cleaning, travel, telephone, postage and purchase of items (i.e. raffle tickets when attending events)
- 19.5 The Mayor's and Deputy Mayor's Allowances are identified at Part 6, paragraph 4, of the Constitution (Members' Allowances Scheme).

20 Administration and funding of the mayoralty and civic service

- 20.1 The Head of Constitutional Services and Executive and Members Services Manager are responsible for civic and ceremonial matters, with the Chief Executive retaining an important leading role as Council's most senior officer.
- 20.2 Executive and Members Services runs the Mayor's office. This includes arranging civic and ceremonial events, keeping the Mayor's diary and accounts, assisting with the organisation of the Mayor's Charities, liaising with organisations and individuals on the Mayor's behalf and generally briefing, advising and supporting the Mayor and Deputy Mayor in carrying out their duties.
- 20.3 The Mayor is also assisted by the Mayoral Support Officer who acts as City Mace Bearer. They also accompany the Mayor at Council meetings and civic events, and when guests are received in the Mayor's Parlour. The Mayor's Attendants are responsible for civic regalia, assists the Executive and Members Services Team in providing civic hospitality and also hosts visitors such as students who visit the Town Hall or Sand Martin House on educational visits to learn about its history and the Council's civic procedures.
- 20.4 The Mayor's Support Officers are responsible for transporting the Mayor in the mayoral car for official duties. Every effort is made to make maximum use of the vehicle so, as far as is possible, the mayoral car is also used for transporting the Deputy Mayor upon official business - although the Mayor's use takes precedence and alternative transport is sometimes necessary for the Deputy Mayor. The car is not used by the Mayor or Deputy Mayor's consorts, except when associated with accompanying the Mayor or Deputy on official business. Wherever possible, the mayoral party travels together in order to avoid the need for several separate journeys to and from events. It is the Executive and Members Services Manager's responsibility to schedule the use of the car. The Chief Executive is authorised to replace the vehicle every five years, or in accordance with the leasing arrangements and this should be the most cost-effective option for the Council. The following guidelines will be applied in respect of procuring a replacement:
- a) The vehicle will be at the lower end of the emissions scale for cars
 - b) The vehicle will, if possible, be generally regarded as 'British' or with British connections
 - c) The vehicle will, if possible, be electric, in accordance with the Carbon Management Plan
- 20.5 At major events, assistance is also provided by the Beadles. In particular they assist with security and also civic hospitality.
- 20.6 The Council's corporate civic budget is controlled by the Head of Constitutional Services and managed on a daily basis by the Executive and Members Services Manager. The account covers civic hospitality as described at section 11 above, the Mayor's and Mayor's Office expenses, funding of civic events, civic gifts, maintenance of civic insignia and other such civic expenses.
- 20.7 In order that expenditure upon civic matters is clearly identifiable, the costs of other support will be charged to the civic account as necessary such as car parking and road closures. In order to minimise such costs, use of car parking permits will be restricted to major civic events.

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- 20.8 At the close of each mayoral year, the Executive and Members Services Manager will arrange for the Mayor's name to be engraved on the plaque upon the wall outside the Mayor's Parlour. A portrait photograph of the Mayor, and their consort at the Mayor's discretion, will also be obtained and hung in the Parlour.
- 20.9 Every year a full Council photograph will be taken prior to the Annual Council meeting. The current photograph will be displayed in the Town Hall and on the Council's website, and a selection of past photographs will also be displayed where space allows.

CONSTITUTION AND ETHICS	AGENDA ITEM No. 8
21 NOVEMBER 2022	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Legal and Governance (Monitoring Officer)	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Philippa Turvey, Democratic and Constitutional Services Manager Daniel Kalley – Senior Democratic Services Officer	01733 296334

CODE OF CONDUCT COMPLAINTS

RECOMMENDATIONS	
From: Monitoring Officer	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> Note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting on 6th October 2022. 	

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	
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4. **BACKGROUND AND KEY ISSUES**

4.1 **NEW COMPLAINTS**

City Councillors

Since the Committee's last report on 6th October 2022 there has been no new complaint received in relation to city councillors.

Parish Councillors

Since the Committee's last report on 6th October 2022 there has been no new complaints received in relation to Parish Councillors:

4.2 **ONGOING COMPLAINTS**

The following complaints remain active since the last meeting:

City Councillors

There are currently no ongoing complaints relating to city councillors.

Parish Councillors

There is one ongoing complaint in relation to parish councillors:

- CONDCOMP/PCC/32. This complaint was received on 19th August 2022 and concerns various allegations which are all connected to and under consideration by the Council's Complaints procedure. The Deputy Monitoring Officer has therefore written to the Complainant to request that they complete the complaint form and provide further information as to the nature of the allegations and which of the general obligations they consider have been breached. Further information has been provided and is currently being reviewed.

4.3 **CONCLUDED COMPLAINTS**

- There are no concluded complaints to report to this meeting.
-

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. CORPORATE PRIORITIES

- 6.1 This report supports the Councils Corporate Priorities, Sustainable Future City Council in that it promotes the behaviour of City and Parish Councillors to inspire honesty and integrity in the way Councillors present themselves to their constituents.

7. ANTICIPATED OUTCOMES OR IMPACT

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

8. REASON FOR THE RECOMMENDATION

- 8.1 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.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 None

10. IMPLICATIONS

Financial Implications

- 10.1 None

Legal Implications

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

Equalities Implications

- 10.3 None

11. BACKGROUND DOCUMENTS

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

- 11.1 The Localism Act 2011.

12. APPENDICES

- 12.1 None

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CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 9
21 NOVEMBER 2022	PUBLIC REPORT

Report of:	Fiona McMillan, Director Law and Governance and Monitoring Officer		
Cabinet Member(s) responsible:	Councillor Andy Coles, Cabinet Member for Finance and Corporate Governance		
Contact Officer(s):	Karen Dunleavy, Democratic Services Officer	Tel. 452233	

WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

RECOMMENDATIONS	
FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee</p> <p>1. Notes and agrees the Work Programme with any additional items or suggestions to be included</p>	

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.

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

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. 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 2022/23.

APPENDIX A

DATE: 4 JULY 2022			
		Section / Lead	Description
	Civic Protocol – Honours Panel	Executive and Member Services	To include membership make up of the Honours Panel and reporting process.
	Governance Review updates	Fiona McMillan Legal	To receive a report on options for reviewing governance arrangements for the Council
	Budgetary Control Policy Framework	Cecilie Booth/Emma Riding Finance	To review and amend the Budgetary Control Framework Policy and the terms of reference for the Financial Sustainability Working Group
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2022 / 2023	Democratic Services Dan Kalley	

DATE: 6 OCTOBER 2022

		Section / Lead	Description
	Governance Review – Terms of Reference	Fiona McMillan Legal	To agree the terms of reference for the Governance Review working group.
	Constitution updates including: Council Questions Motions with significant implications Naming Conventions Officer Employment Rules Officer Employment Rules/Employment Committee Terms of Reference	Pippa Turvey/Fiona McMillan Democratic Services Fiona McMillan/Mandy Pullen	To review a number of constitution updates.
	Appointment to Outside Bodies, Appointment of Council Champions, and appointment to CPCA Board	Pippa Turvey/Fiona McMillan	To review the reference in the Constitution to appointments to Outside Bodies, appointment to the CPCA Board and the potential inclusion of Council Champions
	Contract rules	Finance/Legal	To review updates to the contract rules for recommendation to Full Council
	Mayors Declaration – Civic Protocol	Fiona McMillan/Rachel Edwards	To review wording of Mayor’s declaration of acceptance of officer in relation to the Civic Protocol.
	Honours Panel – recommendations EXEMPT	Sue Proctor Executive and Member Services	Committee to review recommendations as part of their role as the Honours Panel
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance

	Training record	Fiona McMillan/Democratic Services	To review training attendance
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2022 / 2023	Democratic Services Dan Kalley	

DATE: 21 NOVEMBER 2022

		Section / Lead	Description
	Appointments to Outside Bodies	Pippa Turvey Democratic Services	To review the appointments to outside bodies
	Mayors Declaration – Civic Protocol	Fiona McMillan/Rachel Edwards	To review wording of Mayor’s declaration of acceptance of officer in relation to the Civic Protocol.
	Honours Panel recommendation - EXEMPT	Rachel Edwards Constitutional Services	To receive recommendations for Honours Panel
	Civic Awards - EXEMPT	Rachel Edwards Constitutional Services	To receive nominations for Civic Awards for sending to Full Council
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Report on Code of Conduct Issues	Fiona McMillan Legal	To receive an update as to any code of conduct cases

	Work Programme 2022 / 2023	Democratic Services Karen Dunleavy	
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DATES: 6 FEBRUARY 2023			
		Section / Lead	Description
	Delegations to Monitoring Officer	Rochelle Tapping Legal	To review the Monitoring Officer Delegations in the Constitution.
	Review of Council Constitution	Rochelle Tapping Legal	To start review of the Council Constitution in its entirety
	Council Champions	Rochelle Tapping Legal	To review Scrutiny Committee suggestions for Council Champions and how this is formally appointed to.
	Members Training Programme	Pippa Turvey	To discuss a training log and options for mandatory Member Training for the municipal year 2023/24
	Start Time of Committee Meetings 2023/24	Karen Dunleavy	To agree the start time of meetings for the new municipal year 2023/24.
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Legal	To receive an update on the use of dispensations.
	Update on National Issues	Legal	To receive a report on any issues of national importance
	Report on Code of Conduct Issues		To receive an update as to any code of conduct cases
	Work Programme 2023 / 2024	Democratic Services Karen Dunleavy	

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