

## CONSTITUTION AND ETHICS COMMITTEE

TUESDAY 31 OCTOBER 2023

6.00 PM

Bourges/Viersen Rooms

### AGENDA

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1. <b>Apologies for Absence</b>	
2. <b>Minutes of the Meeting held on 17 July 2023</b>	3 - 8
3. <b>Members Declaration of Interests</b>	
<p>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 Law and Governance.</p>	
4. <b>Centre for Governance and Scrutiny diagnostic Review</b>	9 - 26
5. <b>Members Training Programme</b>	27 - 28
6. <b>Honours/Awards</b>	29 - 32
7. <b>Dispensations Issues</b>	
<p>To note there have been no dispensations granted since the last meeting.</p>	
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### Committee Members:

Councillors: Coles, P Hiller (Chairman), M Jamil, Jones, Sainsbury (Vice Chairman), N Sandford and Simons

Substitutes: Councillors: W Fitzgerald, C Harper, A Shaheed and Thulbourn

Further information about this meeting can be obtained from on telephone 01733 452233 or by email – [karen.dunleavy@peterborough.gov.uk](mailto:karen.dunleavy@peterborough.gov.uk)

**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING  
HELD AT 6:00PM, ON  
MONDAY, 17 JULY 2023  
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

**Committee Members Present:** Hiller Chairman (Chair), Sainsbury Vice-Chairman (Vice-Chair), Councillors Coles, Jamil, Thulbourn, Sandford and Simons.

**Officers Present:** Adesuwa Omoregie, Interim Head of Legal and Deputy Monitoring Officer  
Rachel Edwards, Head of Constitutional Services  
Pippa Turvey, Democratic and Constitutional Services Manager  
Dan Kalley, Senior Democratic Services Officer  
Charlotte Cameron, Senior Democratic Services Officer  
Sue Proctor, Executive and Members Services Manager  
Karen S Dunleavy, Democratic Services Officer

**Also in Attendance:** Ian Forsythe, Deputy Lord Lieutenant, Councillor Hogg, Leader of the Liberal Democrat Group

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Alison Jones, Councillor Thulbourn was in attendance as substitute.

**2. MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING HELD ON**

The minutes of the meeting held on 27 February 2023, were agreed as a true and accurate record.

**3. DECLARATIONS OF INTEREST**

Councillor Sandford declared a non-pecuniary interest on agenda item 6 Council Champions, in that he was the Council's Tree Champion for the Woodland Trust.

**4. NATIONAL HONOURS**

Constitution and Ethics Committee received a report in relation to the National Honours Awards process.

The purpose of the report was to provide an outline of the process for Members submitting National Honours applications to the Cabinet Office. In addition, Members were also advised of the King Charles III awards for voluntary service and awards for enterprise. Peterborough City Council had a specific allocated amount that could be nominated, and these were currently low for the city.

The Deputy Lord Lieutenant introduced the report and asked Members to note the report and promote the National Honours awards and consider an increase in the amount undertaken for the citizens of Peterborough.

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

- Members were advised that the nominations should be made for people in an ongoing role, specifically for the long track process.
- In total there were 12 awards on average in each round of nominations for Cambridge with an average of around six to seven people put forward compared to one in Peterborough.
- Some Members raised concerns that Peterborough had not received a fair share of the National Awards allocated for the Cambridgeshire area.
- Councillors would be expected to promote the National Awards opportunity and highlight those residents of Peterborough that would qualify for nominations.
- Some Members raised concerns that there could be an influx of nominations, which would cause a large workload for the Honours Panel to consider.
- Anyone could nominate a candidate for the National Awards, and this would be undertaken through the long track system.
- Members commented that there needed to be clarity provided over the number allocation and expected category of nominees for National and Kings Awards, to understand and implement a process.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimous) to note the process for submitting National Honours applications and agreed that further clarification would be provided to Members in relation to the number of National and Kings Honour Award Allocations Peterborough had qualified for and categories of recipients.

### **AGREED ACTION**

The Constitution and Ethics Committee noted the process for National Honour nominations and **RESOLVED** (Unanimously), that the Head of Constitutional Services would provide Members with:

1. The number of National Honours and Kings awards allocated for the city of Peterborough.
2. A recent list of the National Honours Award categories.
3. An update on the National Honours processes once formulated internally.

## **5. GOVERNANCE REVIEW UPDATE**

The Constitution and Ethics Committee received a report in relation to the Centre for Governance and Scrutiny Governance (CfGS) review update.

The purpose of the report was to update on the progress of the CfGS Governance review and the proposed timeline of delivery.

The Interim Head of Legal and Deputy Monitoring Officer introduced the report and asked Members to note the update.

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

- Members were advised that a report on the CfGS recommendations would be provided to Committee at a later date. Furthermore, the review of the Constitution following the outcome of the CfGS recommendations.
- Members were advised that the CfGS report had been received and awaited review by the Monitoring Officer and Corporate Leadership Team. Once the report had been finalised internally, it had been planned to provide Committee with an update on the outcome of the CfGS diagnostic and recommendations made.

Constitution and Ethics Committee considered the report and noted the progress of the CfGS review.

## 6. COUNCIL CHAMPIONS

The Constitution and Ethics Committee received a report in relation to Council Champions.

The purpose of the report was to review the feedback and any suggestions made from the Scrutiny Committee Group Representatives as to the appointment of any Council Champions.

The Senior Democratic Services Officer introduced the report and asked Members to consider the recommendations made in relation to Council Champions process and appointments.

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

- Members were advised that any in year changes to appoint champions would be incorporated into the process.
- Currently the Leader appointed to Council champions and the only appointment made to date was the Armed Forces champion. There had been other Council champion suggestions, such as a Dementia, City Centre and Tree
- Some Members commented that they had preferred champions to be appointed by Full Council.
- If there had been more than one nomination made for a champion position, a vote by FC would be required to decide who to appoint. Furthermore, it was expected that there would be a good dialogue between political parties before the nominations were presented to Council.
- Members commented that some councils had appointed more than one person to a champion position, if there had been a strong interest from the candidates to undertake the role. Some Members felt however that to have more than one person appointed could confuse matters.
- Members commented that it would be beneficial to attach guidelines and a remit for all the champion positions suggested.

The Constitution and Ethics Committee considered the report and **RESOLVED** (5 in favour, 1 against, 1 abstention) to the Council Champion appointments being made at Full Council.

## AGREED ACTIONS

The Constitution and Ethics Committee noted the feedback from the Council's Scrutiny Committee Group Representatives as to the potential to appoint Council Champions and **RESOLVED** (5 in favour, 1 against, 1 abstention) that:

- I. Appointments to Champion positions would be undertaken by Full Council; and
- II. Recommended that Full Council adopted the following items:
  1. The preferred Member protocol on Champions Appointments
  2. Changes to the Constitution Standing Orders to allow the appointment of Council Champions and ensure an annual review
  3. The adoption of the following Council Champions, in addition to the Armed Forces Champion:
    - Tree Champion
    - Dementia Champion
    - City Centre Champion

## 7. HONOURS PANEL

The Constitution and Ethics Committee received a report in relation to the Honours Panel.

The purpose of the report was for the Constitution and Ethics Committee to note that the Executive and Members Services Team were due to launch the Civic Awards (CA) 2023 process in July. Members were provided with an outline of the nominations process and advised that the nominations would be presented to the November 2023 meeting of Constitution and Ethics to consider the nominations with approval at Full Council in January 2024.

The Head of Constitutional Services introduced the report and asked Members to note the launch of the Civic Awards process.

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

- Members commented that all the nominations made should be considered by a subgroup before they were presented to Committee. In addition, the timescales to receive nominations was felt to be quite lengthy and the Committee might want to consider a shorter entry period.
- Members commented that they needed to understand the reasons behind why people had been nominated for a Civic Award, which required a cross party approach going forward.
- There had been a system of scrutiny for Civic Awards in the past, however, it was felt labour intensive and lengthy.
- Some Members commented that the nomination period should remain as three-month period.
- Members commented that it would be beneficial to ensure that the process was widely communicated to ensure that all Councillors and members of the public were aware of the CA nominations process. Furthermore, clear guidelines on the nominations criteria was needed, to improve the standards.
- The Group Representatives of Constitution and Ethics Committee could consider the first round of CA nominations before they were presented to the full Committee.
- There had been no quota for CAs accepted or rejected. In addition, there had been some CA nominations received that were not acceptable, because they had not met the required criteria. Therefore, it had been imperative to implement the right selection process to ensure a quality standard was maintained.
- Some Members felt that there could be an opportunity to put forward unsuccessful National Award nominations to receive a Civic Award instead.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimously) to note the launch of the Civic Awards process and the process for the

nomination selection process to be conducted by the Constitution and Ethics Group Representatives.

## **AGREED ACTIONS**

The Constitution and Ethics Committee noted the launch of the Civic Awards nomination process in July 2023 and agreed that all nominations would be considered at the Committee's Group Representative meetings going forward, with the process to start from September 2023.

### **8. APPOINTMENT OF THE HONORARY RECORDER OF PETERBOROUGH CITY COUNCIL**

The Constitution and Ethics Committee received a report in relation to Appointment of The Honorary Recorder of the City of Peterborough.

The purpose of the report was for Members to consider a recommendation to Full Council for the appointment of an Honorary Recorder of the City of Peterborough. Members were provided with an outline of the role, which was unpaid and ceremonial in nature, which most councils had operated.

The Interim Head of Legal and Deputy Monitoring Officer introduced the report and asked Members to consider recommending to Full Council the appointment of His Honour Judge Bishop as the Honorary Recorder of the City of Peterborough.

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

- The appointment process would start again for the next Honorary Recorder for Peterborough when His Honour Judge Bishop was no longer in the role.

The Constitution and Ethics Committee considered the report and **RESOLVED** (Unanimously) to recommend to Council His Honour Judge Bishop as the Honorary Recorder for the City of Peterborough.

### **9. DISPENSATION ISSUES**

The Constitution and Ethics Committee **RESOLVED** (Unanimously) to note that there had been no dispensations issues since the last meeting on 27 February 2023.

### **10. REPORT ON THE CODE OF CONDUCT ISSUES**

The Constitution and Ethics Committee received a report in relation to the Code of Conduct Complaints received since the last meeting held in February 2023.

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 Interim Head of Legal and Deputy Monitoring Officer introduced the report and asked Members to note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting on 27 February 2023. Since the Committee's last report there had been five new complaints received in relation to City Councillors and one ongoing complaint received in relation to Parish Councillors, however there had been no new complaints received in relation to PCs.

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

## 11. **WORK PROGRAMME**

The Constitution and Ethics Committee received a report in relation to the work programme 2023/24.

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

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

- Members were advised that the launch of public consultation in relation to the Constitution had been placed on hold whilst the review by the Centre for Governance and Scrutiny (CfGS) was being conducted. Furthermore, Members were advised that the Committee would need to consider the outcome of the CfGS diagnostic exercise and decide which option to take in relation to the Constitution review.

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

CHAIRMAN  
END 19:08PM



<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 4
<b>31 OCTOBER 2023</b>	<b>PUBLIC REPORT</b>

Report of:	Adesuwa Omoregie Interim Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Legal, Finance and Corporate Services	
Contact Officer(s):	Adesuwa Omoregie, Interim Director of Law and Governance	Tel.01733 207137

**PETERBOROUGH CITY COUNCIL: CENTRE FOR GOVERNANCE AND SCRUTINY  
GOVERNANCE REVIEW UPDATE**

RECOMMENDATIONS	
<b>FROM:</b> Interim Director of Law and Governance	<b>Deadline date:</b> N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>1. Review the Diagnostics Report provided by the Centre for Governance and Scrutiny and included at Appendix A and authorise officers to commence work to implement the recommendations proposed in the report.</li> <li>2. Note the next steps proposed in the report in respect of the review of the Council's constitution.</li> </ol>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Constitution and Ethics Committee following receipt of the Diagnostics report commissioned by the Council and to notify members of next steps in respect of the review of the constitution.

**2. PURPOSE AND REASON FOR REPORT**

- 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?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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## **4. BACKGROUND AND KEY ISSUES**

4.1 Peterborough City Council have undertaken a Governance Review with external support from the Centre for Governance and Scrutiny (CfGS). Previous reports included as background papers to the report provide details of the proposals for the review.

### **4.3 Next Steps**

In the event that the Constitution and Ethics Committee agrees with the recommendations proposed in the report, the next steps will be to implement the recommendations of the CFGS report.

At the next meeting of the Constitution and Ethics Committee, officers will provide an update on the implementation of the recommendations and bring forward a plan in respect of the review of the constitution.

## **5. CORPORATE PRIORITIES**

5.1 This report and its recommendations link to the Council's Corporate Priorities in so far that a review of the governance procedures will ensure that the Sustainable Future City Council targets are met by improving how we work, how we serve the community and how we enable ourselves to make informed decisions.

## **6. CONSULTATION**

6.1 The Diagnostics report has been shared with CLT members and group leaders of each political party.

## **7. ANTICIPATED OUTCOMES OR IMPACT**

7.1 The outcome of this report if the recommendations are agreed is that the Council will be able to implement the recommendations put forward in CFGS report and improve governance processes within the Council

## **8. REASON FOR THE RECOMMENDATION**

8.1 The reason for the recommendation is that the Diagnostics Report has been received and the report is seeking approval to implement the recommendations.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

9.1 An alternative option would be to not progress with the implementation of the recommendations in the report. This is not a recommended option as previous external reports for the Council have advised that a review of the governance processes within the Council needs to be undertaken.

## **10. IMPLICATIONS**

### **Financial Implications**

10.1 Following the completion of the work, there may be some additional costs involved to support the implementation of the recommendations included in the diagnostic report. Any costs resulting from this work will need to be managed within existing resources.

### **Legal Implications**

- 10.2 There are no legal implications in respect of what is proposed which is a request for implementation of recommendations. Legal advice will be considered at each stage of review of each of the various recommendations.

### **Equalities Implications**

- 10.3 There are no equalities implications in respect of the recommendation however as each recommendation is taken forward consideration will be given in respect of the equalities implications of each stage.

## **11. BACKGROUND DOCUMENTS**

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

- 11.1 [Peterborough City Council August 2022](#)

[Governance Review Terms of Reference - 6 October 2022](#)

[Appendix A Terms of Reference](#)

[Appendix B Design and Implementation Group](#)

[Centre For Governance And Scrutiny Governance Review Update - 17 July 2023](#)

## **12. APPENDICES**

- 12.1 Appendix A – Report from CFGS

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**Centre for Governance and Scrutiny**

**PETERBOROUGH CITY COUNCIL – SUPPORT ON GOVERNANCE RENEWAL**

**REPORT**

**Second draft – 1 September 2023**

**Author and Project Lead: Helen Mitchell, Senior Governance Consultant**

**Wider Project Team: Ed Hammond, Deputy Chief Executive; Cath Buckley, Senior Governance Consultant; Annette Aiken, Research and Projects Officer**

**Quality Assurance: Dr Catherine Howe, Chairman of the Centre for Governance and Scrutiny and Chief Executive of Adur and Worthing District Councils**

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## **Introduction**

The Centre for Governance and Scrutiny has been commissioned by Peterborough City Council (the Council), in concert with the Local Government Association (LGA), to provide support in the undertaking of a review of the governance arrangements.

## **Method**

The paper is based on the following evidence:

A series of 14 interviews carried out over MS Teams in June and July 2023;

Some email correspondence;

A confidential survey<sup>1</sup> was issued to approximately 100 people of which 67 people (Members, 26 and Officers, 41) responded. This is an encouraging response rate of 67%. Officers in receipt of the survey were drawn from the Council's Extended Leadership Team and additional officers who could attest to the health, or otherwise, of the Council's governance processes.

A desktop analysis of:

- The current constitution, and connected parts of the governance framework, to understand how decision-making and oversight systems operate;
- Reviewing the process in which a small number of executive decisions were made;
- The Forward Plan;
- Business undertaken by the Overview and Scrutiny function, by the review and analysis of agendas, minutes and, if available, audio recordings/webinars.
- Business undertaken by the audit committee, by the review and analysis of agendas, minutes and, if available, audio recordings/webinars.

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<sup>1</sup> The survey was issued to Members, Extended Corporate Leadership Team and forwarded to those staff who have a close relationship to the Council's executive decision making system. It is understood that 100 individuals were invited to make comments.

## Executive Summary and Moving Forward

This Council has undergone, and will continue to undergo, significant change due to the installation of an Improvement Panel – the lowest level of statutory intervention as part of the Local Government Act 1999 – as a result of the financial challenges the Council faced in 2021/22.

The CfGS has surfaced, as part of this review, a positive step change in culture, transparency and openness which has been felt and clearly articulated by Members and Officers alike. Efforts are being actively made to improve governance and transparency and the Council should acknowledge this.

However, there remains opportunities to go further. Our work has highlighted a range of ways in which to take active steps to strengthen governance and decision making at the Council. These cover a range of areas such as improved decision planning, creating and strengthening relationships across officers and between Members and Officers, improving report writing, amplifying the roles and responsibilities of individual Statutory Officers and their role as a cohesive team as well as the Council's decision-making architecture. We also make recommendations on the role of the Audit Committee and Overview and Scrutiny. Individually they require a range of efforts but collectively require considerable initial and longer-term effort to affect change and build on the improvement culture in place.

Linked to this, we have also surfaced evidence in respect of a move to the Committee System. Put simply, our enquiries have not found overwhelming evidence to support such a change. Nevertheless, it does require discussion and a resolution.

Next Steps:

1. That the Council considers the report and recommendations made;
2. That the Council makes plans to deliver the recommendations identified in the report.

## Key Finding – Forward Planning, Reports and Decision Making

### Forward Planning

We heard, as part of the extensive interviews we have undertaken, that strategic planning has improved at the City Council. A new, evidence based strategic plan and clearer delivery arrangements via a Corporate Delivery Unit. This has enabled the Council to prioritise resources, drive engagement and ultimately delivery.

A small number of conversations did however reference the current electoral cycle as a barrier to longer term planning. It is understood that the Improvement Panel have called on the Council *for a second time* to strongly consider moving to 'all out' elections. It is hoped that this request is carefully considered, again, by the Council.

A reasonably recent change has been the creation of the Financial Sustainability Working Group (FSWG) which brings together Political Group Leaders and Deputies. This Group receives extensive information relating to the Council's finance and governance improvement, as well as relevant key issues and upcoming decisions, to drive understanding, consider choices and gain consensus. It is understood that highly sensitive information is shared and that Members of all parties are trusted to maintain confidentiality. Members wholeheartedly welcome this approach and we are of the view that such an arrangement would be the envy of a great number of Councils in England.

This however must be balanced against our survey responses in which just under 50% of Councillors and Senior Officers were not of the clear view that there is a strong focus on looking to the future to set priorities. The electoral cycle which the City has could be a driver to this. That said, we encourage

the Council to maintain such forums once the work of the Improvement Panel comes to an end, ensuring that Members are firmly cited on the strategic issues facing the city and the Council's budget.

We also understood from Senior Officers interviewed that the Council had, with the support of the Improvement Panel, moved to taking key decisions collectively at Cabinet instead of individual cabinet member decisions. This was to drive better coordination of decisions and foster collective responsibility across the Cabinet for decisions of magnitude. The CfGS recognises the value this can bring and would encourage the Council to maintain this local principle. We did find a decision that did not meet this working principle, that of the resurfacing of a temporary car park to support the Regional Pool, which we discuss later in this report.

We reviewed a number of iterations of the Forward Plan to assess the alignment of strong *strategic* planning, to strong *operational* planning in respect of decision making. We have seen good evidence that systems are working. Some decisions are being placed on the Forward Plan at short notice - the most current example being investment in Peterborough HE Property Company. However, the bulk of items are being placed in a timely, and in some cases a very timely fashion. This is good practice in respect of transparency for the public and enabling the Overview and Scrutiny function to add significant value via its work programme. The Council may wish to explore augmenting the current approach towards the Forward Plan by expanding the timeframe to capture decisions over a longer period. This could provide additional benefits in respect of planning work and ensuring the timing of decisions is in alignment with wider needs.

**Recommendation 1:** That the Council considers extending the timeframe of the forward plan to cover decisions made over a longer period eg. four months to further strengthen the alignment of strategic and operational planning in respect of decision making.

We also reviewed the use of urgency provisions under executive arrangements. Since June 2022 and June 2023 there have been a series of decisions that have used at least one of the urgency provisions. These decisions cover commercial deals, Government funding, procurements, small grants et al. Those decisions and the conditions around making those decisions is provided to Council in varying levels of detail. The Council and those officers with responsibilities for those areas have the sharp understanding of the conditions in which urgency was used and should continually learn lessons to improve on planning and overall accuracy.

That said, the spread of the use of urgency, over that time period, has lessened. In the survey we undertook, questions relating to urgency were an outlier against other questions asked. A little over 30% of responses disagreed or strongly disagreed that decision making was working at the correct speed. Given what we have seen and heard, we are of the view this relates to decisions being made too quickly. We heard no evidence that decision making is too slow.

Reducing the number of urgent decisions is particularly relevant for Councils who have had financial challenges in recent history to ensure proper consideration of options in good time and have significant regard for the advice of Statutory Officers. To that end, the Council should work hard to effectively identify the individual governance needs of decisions. A healthy reduction in the use of urgency is a key indicator of how well the Council translates its strategic plans into operational decision making and ultimately, transparency of decision making. This Council is demonstrating clear improvement, but there are further opportunities.

Later in this report, we review a small number of decisions made with some urgency and outline opportunities for learning. To that end, it would be prudent for the Council to actively discuss the role of urgency, what a reasonable use of urgency is, the roles of Members and Officers, and why overuse is unhealthy.

**Recommendation 2:** That the Monitoring Officer, supported by the Head of Paid Service, the S.151 Officer and the wider governance team make plans to upskill colleagues, Scrutiny Chairs, Executive

Members and the Mayor in the appropriate use of urgency. *This could take the form of a workshop/s setting out the role of urgency, when to use and roles and responsibilities.*

We also noted that there have been four extraordinary meetings of Cabinet since September 2022. Whilst it is a strength of the Council to ensure decisions can be taken swiftly, and sometimes decisions do require urgency, it could signal a gap in translating the organisation's longer-term strategy into decision making, and possibly challenges in coordinating work and the input of senior colleagues and Members.

### **Decision Making and Reports**

The survey issued received a very encouraging response rate and that survey raised some questions about how the Council performs its governance responsibilities. We noted that against questions relating to the council's commitment to accountability, the value of overview and scrutiny as well as risk management, confidence in making difficult decisions and use of evidence to make decisions, a proportion of respondents (range 26% and 38%) responded that they neither agreed nor disagreed with the precise question posed. That appears to be a significant amount of senior people including Councillors who are somewhat unclear as to how well, or otherwise, the Council performs these responsibilities. This also came across in some of the interviews we held with Members and one Member stated with some conviction that 'one third of Members have no role on the Council'. Put together, we found this to be a very curious set of responses which the CfGS were unable to explain within our diagnostic. We share the complete responses at **Appendix 1**.

**Recommendation 3:** That the Council reflects on the survey results with especial reference to the level of responses in which respondents could neither agree or disagree to provoke discussion, understanding of what these results could indicate and take any required action.

As part of our methodology, we reviewed a series of key and non – key executive decisions. This is to act as an indicator of the overall health and quality of the decision-making process and provide reflections on the material used to make decisions and any other related matters.

This doesn't represent an audit of these decisions nor does it represent a view on whether the decisions should or shouldn't have been made. The three decisions we reviewed were: -

- Acquisition of Sand Martin House – April 2023
- Award of Contract For Construction of A New Temporary Surface Car Park Supporting the Regional Pool and the University of Peterborough Project – March 2023
- Compensation for Stage 2 Statutory Complaint Outcome – February 2023

The three decisions, and earlier consideration of the Forward Plan, demonstrate that the decision-making system can operate to a variety of different speeds. Two of these decisions were made within 2-3 weeks and both of them utilised urgency provisions including the waiving of call in by the relevant Scrutiny Committee Chairman or the Mayor.

Cross cutting themes arising from the three decisions are presented first, with decision specific recommendations following.

### **Report writing**

We noted that across the three decisions, the underpinning reports could have provide additional detail to support the decisions to be made. Ultimately, the more significant the decision, the greater the need for a sound report and Members should make an informed decision based on what is presented to them at a meeting purposefully called to take the decision. We recognise the immense pressures that colleagues are under and that reports can take significant time and coordination to



craft. However, they are an essential tool to arriving at and ultimately making good decisions that serve the best interests of the authority.

**Recommendation 4:** That the Monitoring Officer, supported by the Head of Paid Service and the S.151 Officer provide support to the organisation on report writing and arrive at ways in which to incorporate additional quality assurance into reports. *This could be delivered through training or guidance notes.*

*An accompanying, and more muscular approach, should be a shared commitment from statutory officers or their nominated deputies to not clear reports that are not of a good standard. This will require Executive Member and Statutory Officer support.*

### **Process and Role of Statutory Officers**

We have heard of the need to strengthen the accountability of officers who have responsibility for providing Members with advice prior to decision making. Whilst a positive move, it would appear that the refresh of processes to drive such accountability has led to some inefficiencies in how this is done in practice. This came across in the survey and during the interviews. Furthermore, there remains a lack of commitment to these processes in some parts of the organisation and restating their importance would be timely.

Robust advice shared by the S151, MO and Head of Paid Service must be heard and considered in light of their statutory responsibilities. We noted that the Council typically uses a sign off sheet at the rear of all Cabinet reports to provide assurance to decision makers that relevant issues relating to the decision have been taken into consideration and clearances sought from its most senior officers.

In respect of the key decision to purchase Sand Martin House, it is understood that the S151 drafted the report with relevant advice and clearances from the Deputy S151 and the Monitoring Officer. We also understand that very detailed and extensive work had taken place over a series of months with Council colleagues and those sitting on the Improvement Panel to provide rigorous check and challenge to strengthen the case to Members in which to facilitate the purchase of the building.

In respect of the decision to resurface a temporary car park, this key decision (taken as a Cabinet Member Decision and therefore outside of the agreed practice of key decisions being taken at Cabinet) was cleared below S151 level. It is understood that this is a demonstration of the strong working confidence the S151 Officer has in her staff to sign off decisions that meet specific tests. However, there could be opportunities for the S151 and other Golden Triangle colleagues to have a stronger, direct grip on the most significant and/or key decisions that the Council will make.

Given that revised *Best Value Standards and Intervention*<sup>2</sup> guidance by DLUHC is soon to be issued there could be opportunities to use this as a moment to place all statutory officers on a stronger and clearer footing within the organisation's decision-making systems and architecture - directing standards, ensuring that internal processes are met and continually improved upon. Relevant here is the following passage from the draft guidance:-

*'Statutory officers must work effectively together and all must have a voice for key decisions'*

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<sup>2</sup> The consultation on the draft came to an end early August 2023. The department will publish it shortly.

The value of the 'Golden Triangle' is critical to a well-functioning authority and there are opportunities for colleagues to refresh current practices where it will be useful to.

**Recommendation 5:** That statutory officers reflect on how they can have a stronger role within the governance framework of the Council. That they strengthen and embed their collective approach to good governance and role model that approach.

*This could take the form of internal conversations, facilitated by CfGS, if needed and with support from organisations such as CIPFA and LLG, again, if needed.*

**Recommendation 6:** That the Monitoring Officer revisits current principles and the operation of those principles and processes in which to handle reports and secure departmental and/or statutory officer clearance for all executive decisions.

*As with the recommendation above, this could take the form of facilitated conversations and refreshed working documents, if needed.*

### **Award of Contract For Construction of A New Temporary Surface Car Park Supporting the Regional Pool and the University of Peterborough Project – March 2023**

We noted that HMGs Getting Building Fund was used to fund the cost of this work but understood that Government's intentions for this fund were 'to deliver jobs, skills and infrastructure across the country...to fuel local recovery and jobs'. This appears a little at variance to the stated ambition of the investment to temporarily resurface a car park to strengthen temporary access and patronage to a swimming pool as stated in the report.

In summary, a total of c.£1m was spent on a temporary car park under urgency (which we have already shared recommendations on). The report states extensive works and landscaping which doesn't immediately lend itself to being temporary in nature. However, we understand that Members were very keen to ensure that this development properly provided for safe, accessible access for people with disabilities which could further explain the costs of this project. It is also understood that a more conservative scheme could have put the work investment from the Combined Authority at risk. Works were also awarded to an organisation approved to undertake works up to £500k and these works were awarded at £800k. It would have been prudent to flag this in the report if it were known.

### **Acquisition of Sand Martin House – April 2023**

We understand that the essence of this decision relates to futureproofing a key building within the Council's estate and correcting a less than favourable rental arrangement entered into in years previous. We are of the view that this highly significant decision, which commits the authority to c£48m of expenditure warranted additional information within the report to support the decision to be made. We noted this Cabinet decision was made within the pre-election period with Council approval in May and we also noted that the Council were of the view that they needed to move at pace to secure this favourable deal.

Given the size of expenditure, the risks associated with commercial deals/property and that the Council is in a challenging financial position we would have expected to see a more detailed public report which identified the source of funding and was accompanied by other options and a strengthened risk assessment. Ultimately the balance of information between the public facing report, and the private one, is a matter for the MO to determine, in close consultation with the S151 officer in particular. Access to Information regulations and balancing the public interest to disclose must be considered.

### **Compensation for Stage 2 Statutory Complaint Outcome – February 2023**

The report articulates a financial reward for a care leaver but is light in relation to how the precise figure was arrived at, other alternatives (such as a smaller award, or a larger one) or even mediation.

**Recommendation 7:** That Statutory Officers reflect on the three decisions with a view to sharing lessons learned on the overall process, and inputs into it, to improve future practice.

*This could take the form of facilitated conversations with CfGS or other organisations, if needed.*

#### **Key Finding – Relationships**

Overall, we heard of good working relationships between officers and Members, a culture of respect and regard. We heard pockets of concern in respect of pressure placed on officers by Members to make decisions at pace, sometimes at variance with officer advice and plans. This could explain decisions made with urgency, extraordinary cabinet meetings etc. We also heard that relationships between officers and Members could be ‘relaxed’.

We also heard of isolated pockets of sub optimal relationships between officers.

We heard of improved relationships between political groups and that much of this has come about in very recent times stemming from the work of the improvement panel, new chief officer cadre and ultimately hard graft. Whilst completely outside of the scope of this review, this work has been conducted over a time period in which a number of Conservative Councillors have left the administration Group, with one Member alleging a toxic culture of bullying and harassment within the Group.

Strong officer / member relationships are important. The running of a successful council is a partnership between officers and Members. For this to occur good communication, trust and, above all, the ability of relationships to weather challenge and robustness from both Members and officers must be present.

**Recommendation 8:** That the Council makes a commitment to strengthen all relationships at the council – officer/officer, Member/member and Member/officer that places a strong emphasis and value on robust discussion and advice.

*This could be done through staff and member induction led by the Monitoring Officer and a continuous amplification of the codes of conduct and role modelling by senior officers.*

#### **Key Finding – Governance Documents**

The Council’s Constitution and the Annual Governance Statements were reviewed by our Deputy Chief Executive, Ed Hammond.

##### Constitution

We have undertaken a light touch review of the Constitution and observations / suggested amendments have been shared with the Council’s legal team. Whilst we are of the view that it provides a sound working document, albeit with some much needed accuracy updates, colleagues at the City Council wish to undertake some deeper work to a slightly longer timescale to further improve clarity and navigability.

During the course of our conversations, the remits of the Constitution Working Group and the Employment Committee were raised.

## Constitution Working Group

On occasion, time at Governance and Ethics has been taken up by the minutiae of the Civic Protocol, and matters of formal etiquette relating to the Mayoralty. Such discussion on the civic protocol should take place at a more operational level

**Recommendation 9:** That the Chairman of the CWG ensures that the Committee's time is focussed on strategic conversations around the constitutional frameworks of the Council and their effective operation.

*This could be implemented by the delivery of Chairing skills training to all Chairs of Committees at the Council as well as advice being provided at Committee by the lead officer.*

## Employment Committee

We heard differing views on the operation of this Committee's express functions based on its wider than usual remit. Specifically, this Committee has a role in the recruitment of Directors and Heads of Service. It is assumed that the Committee also appoints Chief and Statutory Officers given the agendas for this meeting over the past 12 months. We note that the terms of reference has not been considered formally by the Committee for some time (even though it is dated August 2022, it appears from the agenda that it was not taken to the Committee) and therefore, it is opportune for the Committee to undertake a review.

We heard strongly that Members value involvement in the appointment of its senior staff, that it provides assurance to Members of their competence and provides the ability for Members to test, directly, the ability of the candidate to interface with Members. Other evidence we collected suggested that it slowed the overall process down and that Member time and expertise was essential to getting the most senior officer appointments right as this is where the majority of Member interface needed to sit. Whilst outside of the scope of this review, we did hear that the candidate experience of engaging with the employment committee, and the organisation and optics around it, was sub optimal. Any future change in respect of the Committee's remit must ensure clearly understood, and mutually arrived at Member / officer boundaries.

**Recommendation 10:** That conversations with the Chair and Vice Chair of the Employment Committee, the Head of Paid Service, the Director of HR and the Monitoring Officer commence in which to revisit the terms of reference to reflect the evidence gathered and consider a consolidation of the Committee's role to focus on statutory and Chief Officer appointments only.

## Annual Governance Statement (AGS)

We reviewed the draft AGS 2022/23 in the latter stages of our diagnostic and also reviewed the 2020/21 and 2021/22 documents.

There appears to be a good deal of similarities between the 2020/21 and 2021/22 AGSs. It appeared difficult to track complete/incomplete actions from one year to the next. We also noted a good deal of assertions, replicated in both years, about the presence of certain systems without direct evidence to back them up. The actions on governance / risks identified appear wide ranging but they are not prioritised, there have been some risks open for some time, the state of mitigation is unclear and it isn't obvious the extent to which governance issues identified in the AGS are treated. Given that the improvement panel has been in place, and a key theme of its work has been governance and risk, we expected to see a clear difference between those two documents in terms of additional granularity around governance improvement.

The 2022/23 AGS however appears much more connected to the work of the panel, its themes and above all the strategic direction of the organisation. There is more evidence, but additional information pointing to that evidence would be helpful to provide even more assurance to Members. We would wish to draw the Council's attention to the 'significant governance issues' section which is a list of issues and risks (which are different yet treated the same). They could be better categorised and prioritised to assist Members to sift through and understand the totality of work to do, and the challenges presented by that work to do.

Reflections on the content of the 2022/23 AGS were provided and warmly welcomed.

**Recommendation 11:** That the Council strengthens the content of the AGS to enable Members to have additional information to improve the provision of assurance to Members.

#### **Key Finding – Process for Selecting Mayor and Deputy**

Peterborough has a clear and thoughtful process for selecting its Deputy Mayor, and ultimately the tradition is that the Deputy will become Mayor the year after. This process is documented in the Council's Constitution. This thoughtfulness is essential especially in a Council that has a history of No Overall Control and the Mayor having a casting vote.

Having a clear process which is marshalled by Democratic Services and political groups is good. Some Councils operate somewhat opaque processes in which nominations are handled solely within the majority group and in some cases, the Mayor is selected only from within that group.

If the Council wished to make changes it could consider removing the tradition of long service from the process to open the role of First Citizen to a wider range of candidates.

**Recommendation 12:** That the Council confirms, or otherwise, its current processes for selecting the Deputy Mayor. *This could be done by the Constitution Working Group at a future meeting.*

#### **Key Finding - Overview and Scrutiny**

We have heard and observed a clear commitment of scrutiny members and officers to undertaking good scrutiny at Peterborough. Desk top research was carried out to review agenda packs, minutes and audio/video recordings of the five overview and scrutiny committees. We heard of improvements made to the overall operation, effectiveness and support to the function since the inception of the Improvement Panel from Members and officers. We have found discreet areas of improvement for the Council to focus on.

There is a process for determining which items are taken to scrutiny committees, however this is largely led by Council officers. This view was widely shared amongst those we interviewed. There was little evidence of any insight being drawn from other stakeholder groups such as the wider Councillor community, partners or members of the public. Feedback from interviews suggested that work programmes were compiled by officers so that committees could 'nod them through' and as such committee members had little investment in the topics brought in front of them.

As discussed much earlier in the report, there appears to be an opportunity to strengthen the translation of strategic plans into operational decision making. We believe that by strengthening Member led work programming to 'dock in' overview and scrutiny at an early point would act as a catalyst to strengthen corporate planning and decision making. We also believe it would strengthen the regard for the function, as noted in the survey results enclosed at **Appendix 1**.

As part of our enquiries, we explored the relationship between the Council's Scrutiny function and that of the Cambridgeshire and Peterborough Combined Authority in which the Council is a constituent member. We are of the view that the relationship is underdeveloped and there are

significant opportunities to strengthen relationships and collaboration in respect of work programming.

**Recommendation 13:** That the process to arrive at each Committee’s work programme is completely revisited to ensure it is Member led, aligns to the forward plan **and other plans to enable ‘pre scrutiny’ to take place**. It should balance the strategic dimensions of Council business and issues of local concern. It should also have regard to the work of the Combined Authority.

*As a minimum, this could be implemented by creating a clear longlisting and shortlisting process. Within that a series of informal conversations should be held at the end of the previous municipal year or the very start of the new one between Chairs and Deputies, the Executive and Senior Officers, as well as key individuals at the Combined Authority (where appropriate) in respect of plans for the year ahead to align executive and scrutiny interests and timetables. This informal engagement must continue throughout the year.*

Agenda packs tend to be lengthy and in excess of 100 pages. The bulk of the content tends to be from large appendices rather than long reports. It would appear that not all of the appendices are relevant to scrutiny’s work and at times pertain to detailed action plans/delivery schedules. This does not support Members to navigate material well enough and can lead to a lack of confidence and, ultimately, Member interest. We have already made recommendations on report writing elsewhere in this paper and that recommendation is directly relevant here. A consideration could be to create a bespoke template for Scrutiny reports.

We heard high praise for officers directly supporting the scrutiny function and a call from a Member within the survey to review the resources allocated to the function, in light of the Flockhart Review, to ensure they are commensurate with need.

**Recommendation 14:** That the Council reflects on the FTE aligned to the overview and scrutiny function and assures itself it is sufficient or otherwise to carry out its activities.

Overall, there would appear to be a lack of understanding on the purpose of overview and scrutiny and the role of Members in visibly leading the function. Feedback from the interviews conducted found that some Councillors do not understand the difference between regulatory committees and the scrutiny function. It is understood that some scrutiny training is offered but a more extensive programme would be welcomed.

**Recommendation 15:** That a spectrum of scrutiny training is offered to Councillors as part of continuous Member development.

*This would look like a year long programme (so not to bombard Members at the start of the year) of knowledge and skills-based training.*

#### **Key finding – Risk and The Audit Committee**

Using the CfGS’s published work, [Governance Risk and Resilience Framework](#) an analysis was undertaken.

The Audit Committee provides independent assurance that the risk management and associated control environment of the council meets adequate standards. It also provides independent scrutiny of the authority’s financial and non-financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment; and oversees the financial reporting process. We noted that the Council was in the process of refreshing its strategic risk register towards the latter stages of our diagnostic and was to be reviewed by SLT.

Our research highlighted that the Audit Committee meets to a regular timetable and we noted that agenda pack sizes range from 100-300 pages. We know from our experience gathered elsewhere that Members often cite a lack of confidence around engaging with the audit and over-large packs of technical information is a barrier. A balance must be struck between summative, concise information and technical background information. We have already identified report writing as a key finding elsewhere in this report.

**Recommendation 16:** That the Council ensures written information to the Audit Committee drives Member engagement, understanding and confidence to fully discharge their duties.

*This could be implemented through a wash up session with Members at the end of Committee to ensure information provided met need.*

Using the minutes as evidence, we noted that there is a recognition from Members that they have a responsibility for ensuring good governance. Members have the confidence to ask questions but we have noticed the phrase 'Members were informed' is often used. This could be for stylistic reasons or that Officers take a lead at the meetings with Members operating in a more passive context.

A review of committee minutes indicate that oversight by members is sought from officers. Scrutiny of meeting minutes indicates that committee members and the committee as a whole have a good grasp of oversight through audit. Members are seen, somewhat, in the minutes, to raise concerns they might have. Review of minutes suggest that, as a whole the state of member oversight of audit within the committee is good. This can be evidenced by locating several instances documented in the minutes, such as, the key area of ensuring that internal controls were tighter to prevent some of the issues that had gone before from happening again; ensuring that decisions were taken in a transparent way relating to the Work Programme and taking action, in combination with officers, regarding the procurement process.

Insight from interviews told us that there have been some historic issues with the Audit Committee. Elected Members noted that there was a need for members to be upskilled in key areas of finance and risk and there was a suggestion that committee members may not have contributed previously as they did not feel they understood their role or that they didn't have the required knowledge or skills to undertake the role effectively.

**Recommendation 17:** That an annual skills audit is conducted with an accompanying learning and development plan for Committee members.

*This would look like a shared appraisal of the current Membership's skills and experience and align relevant briefings, formal and informal learning to each Member to ensure their confidence to discharge their responsibilities with confidence. This work should be done as a shared endeavour between the Internal Audit function and those with responsibilities for Member development.*

### **Key Finding – Governance Change**

The CfGS were explicitly asked to engage the Council on the matter of formal governance change – a move away from the present executive system to the committee system. Such a change must not be underestimated – it requires total support from Members and officers to facilitate this change and will ultimately impact on the formal and informal nature of decision making, and the role and relationships of Members and officers.

As part of our interviews we asked Members in particular to share with us what they believed the issues were of the *current* system. We used the LGA / CfGS publication 'rethinking governance' to structure our findings.

### Strengths and weaknesses in the member/officer relationship

As we have already outlined, relationships are good in the main with some pockets of challenge. We have made recommendations in this area. Structures such as the FSWG are widely seen as positive developments by Members and Officers which has strengthened transparency and engagement between Members and Members and officers.

We also heard of the commitment from the S151 officer and her team to credibly support opposition Group Leaders to develop alternative budgets.

### Strengths and weaknesses in the way forward planning / work programming occurs

As we have already outlined, we have heard that the Council has an evidenced and well supported strategic plan and a clear articulation of the architecture that is needed to deliver it. We have seen some opportunities to strengthen the translation of the plan to operational decision making and we have also surfaced opportunities in which to strengthen the Member –led and pre-decision nature of scrutiny work programming for Members to add greater value to the work of the Council and ultimately its partners. This will also enable back bench members to get involved in shaping decision making.

To do this, work programming will require a reset at the Council and we have made recommendations in this area that we hope the Council will strongly consider.

### Strengths and weaknesses in the way that information about decisions is published and used

As we have already outlined, reports (executive decisions and scrutiny) could be significantly improved to ensure good decision-making, taking account of all relevant information. We are encouraged to hear that Senior Members are receiving more information on decision making, and more information of a confidential nature as part of the FSWG. This is a marked change from a year or so ago and Members expressed a clear regard for this way of working to continue. This information must extend to all strategic dimensions of Council business.

We heard pockets of concern that the executive system is not open and transparent. This is disappointing to hear. We have encouraged the Council to enhance Overview and Scrutiny, its forward planning processes and how it uses urgency. The Council has also made provisions to take Key Decisions at Cabinet, as opposed to individual member decision making. Put together, this should enhance openness at this Council.

### Strengths and weaknesses in the way that the Council involves the public in major decisions

The Council will consult the public on its budget proposals and we did see the use of twitter to elicit the views of the public on matters relating to the fountains in Peterborough city centre.

We understand that work is ongoing in which to strengthen ‘corporately’ the Council’s approach to communications and engagement.

### Summary

During our interviews we were not consistently apprised of evidence that suggests the present executive system is failing Peterborough City Council. A very small number of references were made, especially in the survey, to the present system not being open and transparent enough. Some members wanted to see a greater role for Overview and Scrutiny in pre-decision making. From a small minority of councillors there were calls to move to the Committee system or a hybrid system.



We were appraised of options that could reform the executive system to make it more pluralistic and collaborative. Particularly in a no overall control environment, we think that there may be an opportunity to explore this further. Our recommendations relating to forward planning, decision making and strengthening pre-scrutiny are all designed to support the council to consider its options.

To that end, the CfGS would recommend that the Council focusses on reform within the executive system and find ways in which to engage more Members within it.

**Recommendation 18:** The Council considers the evidence gathered and reflects on the worthwhile nature, or not, of formal governance change. *In its deliberations the Council should strongly note that support for doing so is minimal.*

DRAFT

	STRONGLY AGREE	AGREE	NEITHER AGREE OR DISAGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
There is a clear commitment to openness and transparency	9.09% 6	56.06% 37	18.18% 12	10.61% 7	6.06% 4	66	2.48
There is transparency in the way decisions are made	6.15% 4	46.15% 30	26.15% 17	15.38% 10	6.15% 4	65	2.69
It is clear who is democratically accountable	10.77% 7	49.23% 32	26.15% 17	9.23% 6	4.62% 3	65	2.48
There is a strong focus on looking to the future to set decision-making priorities	7.58% 5	46.97% 31	33.33% 22	9.09% 6	3.03% 2	66	2.53
Views of key stakeholders are sought and listened to, including diverse voices	7.58% 5	37.88% 25	27.27% 18	22.73% 15	4.55% 3	66	2.79
Formal consultation, when required, is proactive	10.61% 7	42.42% 28	28.79% 19	12.12% 8	6.06% 4	66	2.61
The Council is confident when making difficult decisions	4.55% 3	45.45% 30	37.88% 25	9.09% 6	3.03% 2	66	2.61
Decision-makers can evidence why decisions are made	6.06% 4	50.00% 33	33.33% 22	7.58% 5	3.03% 2	66	2.52
Democratic decision-makers are held to account	7.58% 5	45.45% 30	31.82% 21	12.12% 8	3.03% 2	66	2.58
Risks associated with taking decisions are appropriately evaluated and managed effectively	4.48% 3	41.79% 28	34.33% 23	16.42% 11	2.99% 2	67	2.72
Overview and scrutiny is valued, has influence and takes place in a public setting	10.61% 7	46.97% 31	25.76% 17	10.61% 7	6.06% 4	66	2.55
There is easy access to relevant information to support Overview and Scrutiny, and decision-making	7.58% 5	50.00% 33	28.79% 19	12.12% 8	1.52% 1	66	2.50

<b>CONSTITUTION AND ETHICS COMMITTEE</b>	<b>AGENDA ITEM No. 5</b>
<b>31 OCTOBER 2023</b>	<b>PUBLIC REPORT</b>

Report of:	Adesuwa Omoregie, Interim Director of Legal and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Finance, Legal and Corporate Governance	
Contact Officer(s):	Dan Kalley, Democratic & Constitutional Services Manager	Tel. 296334

## TRAINING RECORD 2023/24

RECOMMENDATIONS	
<b>FROM: Interim Director of Legal and Governance and Monitoring Officer</b>	<b>Deadline date: N/A</b>
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>1. Notes the updated training record as at 31 October 2023; and</li> <li>2. Considers any areas for future member training</li> </ol>	

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Constitution and Ethics Committee in 2022 to keep under review the training attendance of members.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for the Constitution and Ethics Committee to note the training record on training provided by the Council since May 2023.

### 3. TIMESCALES

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

- 4.1 As part of the work of the Improvement Panel there was a commitment and drive to increase the training provision for all Councillors.
- 4.2 To date a number of training sessions have been arranged and completed, this has been done via a mixture of in person training and virtual training. Where possible virtual sessions have been recorded and made available. Not all sessions were able to be recorded, this was done at the request of some of the external training providers.
- 4.3 A number of finance and budget driven session have taken place and have been provided by outside organisations such as CIPFA and the Governance Training and Consultancy Ltd.

- 4.4 Following the success of the dedicated Councillors training page that was set up last year all recordings and slides have continued to be uploaded onto this central location.
- 4.5 A breakdown of the percentage per key session is outlined below.

2023	2022
Children Safeguarding – 29%	Children Safeguarding – 58%
General Committee Chairing Skills – 35%	General Committee Chairing Skills – 82%
Scrutiny Essentials – 32%	Scrutiny Essentials – 29%
Employment Committee – 100%	Employment Committee – 63%
Audit Committee Session 1 – 57%	Audit Committee Session 1 – 15%
Planning Session 1 – 70%	Planning Session 1 – 100%
Licensing Committee – 64%	Licensing Committee – 92%
Audit Committee Session 2 – 57%	Audit Committee Session 2 – 37%
Cabinet Member Robust Decision Making – 100%	Cabinet Member Robust Decision Making – 100%

There were also a number of sessions that have been designed to be open and accessible for all Councillors and some of these key ones are outlined below:

- Robust Decision Making
- Budget and Finance Training Session
- Code of Conduct
- Member Induction
- Personal Safety
- Data Protection
- Introduction to Climate Change
- Scrutiny Chairing Skills

- 4.6 In terms of overall numbers across the key sessions compared to last year the percentage of those that have attended is 60.5%, this is a slight drop from 67% in the year before.

This may be for a number of reasons and the most common is that members have stated that they have already attended the training sessions so felt that some of the sessions were repeats on what they had done the year before.

- 4.7 There will be opportunities for members to feedback to officers on sessions that they would find useful going forward. This will enable more focused sessions to be organised.

## 5. CORPORATE PRIORITIES

- 5.1 This report relates to all the corporate priorities, training sessions help members make sound decisions on aspects of the Council's work, ensuring residents of the city have confidence and trust in their elected members.

## 6. APPENDICES

- 6.1 There are none.

<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 6
<b>31 OCTOBER 2023</b>	<b>PUBLIC REPORT</b>

Report of:	Rachel Edwards, Head of Constitutional Services	
	Councillor Coles, Cabinet Member for Legal, Finance and Corporate Services	
Contact Officer(s):	Susan Proctor, Executive and Members Services Manager	Tel. 452328

## HONOURS/AWARDS

RECOMMENDATIONS	
<b>FROM: Rachel Edwards, Head of Constitutional Services</b>	<b>Deadline date: N/A</b>
<p>It is recommended that the Constitution and Ethics committee</p> <ol style="list-style-type: none"> <li>1. Note the extension of the Civic Awards nomination process.</li> <li>2. Note the update on the National Honours nomination process.</li> </ol>	

### 1. ORIGIN OF REPORT

- 1.1 This report is to provide members with an update on the Civic Awards nomination and the National Honours nomination process.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for the Constitution and Ethics Committee to note the extension to the deadline to submit Civic Awards nominations and to update on the nomination process for National Honours.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.7

### 3. TIMESCALES

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

- 4.1 The Civic Awards were launched on 31 July 2023, with an agreed deadline of 30 September 2023 for receipt of nominations.
- 4.1.2 Due to a lack of nominations received by 31 August it was agreed by members on 12 September to extend the deadline for nominations to 24 November 2023, with further extended publicity from the Council's communication team, as well as the Chair of Constitution and Ethics committee recording a video to promote the awards on all Council social media platforms.

- 4.1.3 All nominations should be sent to the Executive and Members Services Team.
- 4.1.4 An extra-ordinary meeting of Constitution and Ethics group reps will be arranged in mid-December to review all nominations received.
- 4.1.5 A report will be taken to Full Council in January 2024 for formal decision to approve the winners.
- 4.1.6 An event will then be arranged in March 2024 to award all successful winners.

### **Submitting National Nominations**

- 4.2 The process to submit National Honours nominations commences with correspondence from Central Government to notify Councils of the relevant Honour's lists.
  - 4.2.1 This is disseminated by the Executive and Members Services Team to all members and senior officer.
  - 4.2.2 Members will need to consider people that have made a significant contribution and have added extra value to their roles. They are people who are:-
    - Exceeding the expectations of their role;
    - Engaging with their colleagues, peers and the community, and making a positive impact;
    - Making a contribution that can be described and recorded on paper; or
    - Going 'the extra mile' in whatever field they are active
  - 4.2.3 Identifying suitable candidates can be a challenge. The government is looking for people whose community or organisation thinks that they are doing something extraordinary. Members may want to consider people who have received awards in local schemes and people who have their achievements reported in the local press.
  - 4.2.4 Timing for the application is important, the nominee must be doing what they have been nominated for six months before the Honours List is announced. There are no deadlines for the receipt of nomination forms, but their consideration is likely to take at least 12-18 months.
  - 4.2.5 For the Birthday List nominees must be in their role or carrying out the activity they are being nominated for in the December before the Honours List is announced.
  - 4.2.6 For the New Year List nominees must still be in their role or carrying out the activity they are being nominated for in the June before the Honours List is announced.
  - 4.2.7 Members can submit their nomination direct to the Cabinet Office or the Executive and Members Services team can support this process. Members must ensure that they have captured all background information and completed all steps within the form.

The team will then review the nomination and send to the Cabinet Office to then be considered further by an Independent Sector Committee.
  - 4.2.8 Once the application form has been submitted to the Government, the Council no longer has any involvement in the progress, the categorisation or acceptance of this application.
  - 4.2.9 If the nominee is granted a National Honours Award they are contacted directly via Central Government and not by the Council.

## **5. CORPORATE PRIORITIES**

- 5.1 The recommendations link to the Sustainable Future City Council Corporate Priorities and recognises the hard work and dedication of the nominees.

## **6. CONSULTATION**

- 6.1 All members have been informed of the extension and deadline dates of the Civic Awards nomination process.

## **7. ANTICIPATED OUTCOMES OR IMPACT**

- 7.1 To recognise individuals, groups, organisations, and businesses who have made a real difference to the local community.

## **8. REASON FOR THE RECOMMENDATION**

- 8.1 To update and note the extension to the Civic Awards nominations process and to update on the National Honours nomination process.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 This report is to note, so no other alternative options required.

## **10. IMPLICATIONS**

### **Financial Implications**

- 10.1 There will be a cost implication depending on the decision. This will be managed within the existing budget for Mayoral and Members Services.

### **Legal Implications**

- 10.2 There are no legal implications in respect of what is proposed in this report which is an update report.

### **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 Civic Protocol, Part 5, Section 6, 15.2

[https://assets.publishing.service.gov.uk/media/5f15ce59e90e075e8c58b800/08684-How\\_to\\_write\\_a\\_nomination.pdf](https://assets.publishing.service.gov.uk/media/5f15ce59e90e075e8c58b800/08684-How_to_write_a_nomination.pdf)

## **12. APPENDICES**

- 12.1 None.

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<b>CONSTITUTION AND ETHICS</b>	<b>AGENDA ITEM No. 8</b>
<b>31 OCTOBER 2023</b>	<b>PUBLIC REPORT</b>

Report of:	Adesuwa Omoregie, Interim Director of Legal and Governance	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Legal, Finance and Corporate Services	
Contact Officer(s):	Daniel Kalley – Senior Democratic Services Officer	01733 296334

## CODE OF CONDUCT COMPLAINTS

<b>RECOMMENDATIONS</b>	
<b>From: Interim Monitoring Officer</b>	<b>Deadline date: N/A</b>
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>Note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting in July 2023.</li> </ol>	

### 1. ORIGIN OF REPORT

- 1.1 This Report is submitted to the Constitution and Ethics Committee by the Council's Interim 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?	<b>NO</b>	If yes, date for Cabinet meeting	
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### 4. **BACKGROUND AND KEY ISSUES**

#### 4.1 **NEW COMPLAINTS**

##### **City Councillors**

There were 5 new complaints relating to a city councillor since the date of the last meeting which have all been resolved with one ongoing.

##### **Parish Councillors**

There are currently two new complaints in relation to parish councillors.

### 5. **CONSULTATION**

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

### 6. **ANTICIPATED OUTCOMES OR IMPACT**

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

### 7. **REASON FOR THE RECOMMENDATION**

- 7.1 Regular reporting of both quantities and substance of complaints will help the Committee gain a better understanding of the effectiveness of current procedures and how well the Code is being observed across both the council and parish councils in its area. This will inform future decisions about what training may be necessary to ensure the requirements of the code are being met.

### 8. **ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 None

### 9. **IMPLICATIONS**

#### **Financial Implications**

- 9.1 None

#### **Legal Implications**

- 9.2 There are no legal implications in respect of what is proposed which is an update on member complaints received.

## **Equalities Implications**

9.3 None

## **10. BACKGROUND DOCUMENTS**

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

10.1 The Localism Act 2011.

## **11. APPENDICES**

11.1 None

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<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 9
<b>31 OCTOBER 2023</b>	<b>PUBLIC REPORT</b>

Report of:	Adesuwa Omoregie, Interim 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	
<b>FROM:</b> Adesuwa Omoregie, Director of Law and Governance and Monitoring Officer	<b>Deadline date:</b> 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?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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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 2023/24.

## APPENDIX A

DATE: 17 JULY 2023			
		Section / Lead	Description
	National Honours	Rachel Edwards/Sue Proctor	Nominating people in Peterborough for King's National honours an update on the process from Iain Forsythe
	Governance Review update	Adesuwa Omoregie Legal	Update to Members on the CfGS governance review and update on the timelines for the constitution review.
	Council Champions	Adesuwa Omoregie	To review Scrutiny Committee suggestions for Council Champions and how this is formally appointed to.
	<b>INFORMATION AND OTHER ITEMS</b>		
	Honours Panel	Rachel Edwards/Sue Proctor	Committee to review updates and recommendations as part of their role as the Honours Panel
	Dispensations Issues	Adesuwa Omoregie Legal	To receive an update on the use of dispensations.
	Report on Code of Conduct Issues	Adesuwa Omoregie Legal	To receive an update as to any code of conduct cases
	Work Programme 2023/2024	Democratic Services Karen Dunleavy	

**DATE: 18 September 2023 - CANCELLED**

		<b>Section / Lead</b>	<b>Description</b>
	Launch of the Constitution Review	Dan Kalley	launch of 6-week public consultation and approval of 'interim' updates
<b>INFORMATION AND OTHER ITEMS</b>			
	Honours Panel	Rachel Edwards/Sue Proctor	Committee to review updates and recommendations as part of their role as the Honours Panel
	Dispensations Issues	Adesuwa Omoregie Legal	To receive an update on the use of dispensations.
	Training record	Adesuwa Omoregie /Democratic Services	To review training attendance
	Report on Code of Conduct Issues	Adesuwa Omoregie	To receive an update as to any code of conduct cases
	Work Programme 2023 / 2024	Democratic Services Karen Dunleavy	

**DATE: 31 OCTOBER 2023**

		<b>Section / Lead</b>	<b>Description</b>
	Centre for Governance and Scrutiny diagnostic Review	Adesuwa Omoregie	To provide Members with the outcome of the CfGS review.
	Members Training Programme	Adesuwa Omoregie/Democratic Services	To discuss a training log and options for a robust Member Training Programme.



	<b>INFORMATION AND OTHER ITEMS</b>		
	Honours/Awards	Rachel Edwards/Sue Proctor	Committee to review updates and recommendations as part of their role.
	Dispensations Issues	Adesuwa Omoregie Legal	To receive an update on the use of dispensations.
	Report on Code of Conduct Issues	Adesuwa Omoregie Legal	To receive an update as to any code of conduct cases
	Work Programme 2023 / 2024	Democratic Services Karen Dunleavy	

**DATES: 14 DECEMBER 2023 – EXTRAORDINARY MEETING**

		<b>Section / Lead</b>	<b>Description</b>
	Honours/Award Nominations Nominations for Civic Awards - EXEMPT	Karen Dunleavy	Committee to review updates and recommendations as part of their role as the Honours/Awards.

**DATES: 5 FEBRUARY 2024**

		<b>Section / Lead</b>	<b>Description</b>
	Start Time of Committee Meetings 2023/24	Karen Dunleavy	To agree the start time of meetings for the new municipal year 2023/24.
	Constitution Review		Final approval of the Constitution review work.
	<b>INFORMATION AND OTHER ITEMS</b>		

	Honours/Awards –	Rachel Edwards/Sue Proctor	Committee to review updates and recommendations as part of their role as the Honours/Awards.
	Dispensations Issues	Adesuwa Omoregie Legal	To receive an update on the use of dispensations.
	Report on Code of Conduct Issues	Adesuwa Omoregie Legal	To receive an update as to any code of conduct cases
	Work Programme 2024 / 2025	Democratic Services Karen Dunleavy	