

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 6
27 FEBRUARY 2023	PUBLIC REPORT

Report of:	Rochelle Tapping, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Finance and Corporate Governance	
Contact Officer(s):	Rachel Edwards, Head of Constitutional Services Susan Proctor, Executive and Members Services Manager	Tel. 452277

UPDATE TO CIVIC PROTOCOL

RECOMMENDATIONS	
FROM: Director of Law and Governance	Deadline date: 27 February 2023
<p>It is recommended that Constitution and Ethics committee:</p> <ol style="list-style-type: none"> 1. Agree to the wording, prescribed in law for the Mayors Declaration of Acceptance of office (Appendix 2 to the report). 2. Review and agree the proposed wording in section 18.3 of the Civic Protocol (paragraph 2.6 of the report). 	

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report was originally submitted to the Constitution and Ethics Committee following a previous discussion at the meeting on 21 November 2022. The Director of Law and Governance asked for further research to be undertaken in relation to the Mayors Declaration of Acceptance of Office.
- 1.2 The Committee has previously considered changes to the Civic Protocol at the November meeting, and agreed the new wording in section 8.1, as well as further changes from the meeting on 6 October 2022.
- 1.3 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference no. 2.7.2.1.

2. BACKGROUND AND KEY ISSUES

- 2.1 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.
- 2.2 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.

2.3 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.
At the November meeting it was agreed for the Mayor to make an extended Declaration of Acceptance of Office.

2.4 The additional wording which was agreed at the November meeting: -

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

Or alternative affirmation wording:

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

On further research on the request of the Director of Law and Governance, it is confirmed that the current wording within the Civic Protocol does not fully conform with the prescribed wording in law and therefore, requires amendment.

The current wording: -

'I, XXXXX having been elected Mayor for 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.

I undertake to be guided by the Members' Code of Conduct in the performance of my duties in that office.'

Wording for Declaration of Office as prescribed in law, set out in Appendix 2.

It is therefore recommended to use the prescribed wording for the Declaration of Office, as prescribed in law.

2.5 At the end of each Mayoral year, Peterborough City Council's, Internal Audit team review the accounts for that year.

The Audit team have reviewed the accounts and reviewed the wording in the Civic Protocol and recommend that section 18.3 be amended.

2.6 The current wording suggest that the Executive and Members Service Manager will be appointed at the new Charities AGM meeting.

Current wording 18.3:

‘The Executive and Members Services Manager will be appointed as treasurer at the AGM Charity meeting, along with Chair and Secretary.’

By including that requirement in the Civic Protocol, it appears to suggest that PCC can and will impose the Council as the external examiner of accounts.

The Mayors Charity has its own Constitution, and is a standalone entity, and therefore, free to choose their own external examiner.

It is therefore recommended by the Internal Audit team amend the wording for section 18.3.

Proposed wording:

‘The Executive and Members Services Manager is normally reappointed as Treasurer at the AGM meeting’

3. CORPORATE PRIORITIES

- 3.1 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.

4. CONSULTATION

- 4.1 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.
- 4.2 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.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 By including the wording in the oath that was agreed at the last meeting, this would render the oath unlawful.

6. IMPLICATIONS

Financial Implications

- 6.1 None.

Legal Implications

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

Equalities Implications

- 6.3 None.

7. BACKGROUND DOCUMENTS

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

7.1 **None.**

8. APPENDICES

8.1 Appendix 1 – Civic Protocol track changes
Appendix 2 – Declaration of Acceptance of Officer wording prescribed by law