

**MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING
HELD AT 6PM, ON
MONDAY, 27 FEBRUARY 2023
BOURGES/VIERSEN ROOMS, TOWN HALL, PETERBOROUGH**

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

Officers Present: Rochell Tapping, Director Law and Governance
Sue Proctor, Executive and Member Services Manager
Pippa Turvey, Democratic and Constitutional Services Manager
Karen Dunleavy, Democratic Services Officer

Also in attendance: Cllr Hogg as Group Leader

44. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

45. DECLARATIONS OF INTEREST

There were no Declarations of Interests received.

46. MINUTES OF THE CONSTITUTION AND ETHICS COMMITTEE MEETING HELD ON 21 NOVEMBER 2022

The minutes of the meeting held on 21 November 2022 were agreed as a true and accurate record.

47. TIMETABLE FOR REVIEWING PETERBOROUGH CITY COUNCIL CONSTITUTION

The Constitution and Ethics Committee received a report in relation to the proposed review of the Council's Constitution.

The purpose of this report is to provide an overview of the anticipated timeline for a full review of Peterborough City Council's constitution. In addition, changes were to be made to the contract procedural rules in terms of procurement services, which could not wait until the review of the Constitution.

The Director of Law and Governance introduced the report and asked Members to consider the proposals and recommend to Full Council that the Director Law and Governance to make changes to the Contract Rules.

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

- Members were informed that there was a Centre for Governance and Scrutiny (CfG) proposal underway to review scrutiny functions. The outcome of the Constitution and Ethics Governance Review working group would be fed into the CfGS exercise and reported back to the Committee.

The Constitution and Ethics Committee considered the request and **RESOLVED** (Unanimous) to:

1. Note the proposed timetable for a full review of the Council's constitution, as set out in section six of the report.
2. Recommended to Council that authority be delegated to the Director of Law and Governance & Monitoring Officer to make any necessary changes to the Contract Rules, following the implementation of revised procurement procedures.

ACTIONS AGREED

The Committee noted the report and **AGREED** to note the report and recommended to Council that the Director of Law and Governance & Monitoring Officer make any necessary changes to the Contract Rules, following the implementation of revised procurement procedures.

48. PROCESS FOR APPOINTMENT TO OUTSIDE BODIES

The Constitution and Ethics Committee received a report in relation to agree a process for appointments to outside bodies.

The purpose of this report is to provide the proposals to set out the appointment process to outside bodies and to recommend approval onto Full Council.

The Director of Law and Governance introduced the report and asked members to consider the process and recommend the preferred option onto Council as set out in the report.

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

- Members were advised that option one set out in the report would impose that appointments were finally decided by Full Council and option two would keep authority with the Leader, which was the current system of approval.
- Some Members felt that the current system of Outside Bodies appointments had worked well and should remain in place, however, other Members felt that final approval should be made by Full Council.
- Members commented that the request had only related to appointments that fell outside of community engagement. Furthermore, there were a number of nominations that had been as proposed by the Executive.
- The old Outside Bodies approval procedure had involved contested appointments, which was presented to Full Council. It was therefore felt by some Members, that it was more appropriate for contentious positions, where more than one councillor had wanted to take up the post, a final decision should be made at Full Council.
- Some Members felt that protocols and processes were important to decide formal arrangements. If there was a change in political leadership, then the current system of Leader approval might not be appropriate.

The Constitution and Ethics Committee considered the request and **RESOLVED** (4 in favour, 3 against and 0 abstentions) to choose option two, approval of outside body appointments to be made by the Leader, as set out in Appendix 2 to the report.

AGREED ACTION

The Committee noted the report and **AGREED** to recommend to Full Council that the approval route of Outside Bodies should remain with the Leader of the Council.

49. UPATE TO CIVIC PROTOCOL

The Constitution and Ethics Committee received a report in relation to an update to the Civic Protocol.

The purpose of the report was to review and agree the wording to the Mayors declaration of acceptance of office and the wording in the Civic Protocol and the appointment Treasurer of the Charity Committee. Members were advised that an additional recommendation to ask Members to agree the revised Civic Protocol (Appendix 1 to the report).

The Executive and Member Services Manager introduced the report and asked Members to consider and agree to the wording, prescribed in law for the Mayors Declaration of Acceptance of office (Appendix 2 of the report); Review and agree the proposed wording in section 18.3 of the Civic Protocol (paragraph 2.6 of the report) and agree the revised Civic Protocol (Appendix 1 of the report).

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

- Some Members commented that the full Civic Protocol should be discussed at Committee specifically at paragraph 8 and 10. The Director of Law and Governance advised that an amended proposal had been tabled to allow Members time to discuss the full Civic Protocol.
- Some Members commented that the protocol on whether a Mayor should wear a hat had seemed to be inconsistent. Some events such as the Bridge Fair required the cuffs, which would usually apply to Royal occasions and consideration should be made about removing some unnecessary items of Regalia.
- The current wording of the protocol referred to the chains, but not the collar, cuffs and hat and this had only been highlighted as an issue in the last 12 months, due to controversy over some of these items not being worn at an occasion in September 2022.
- Members were advised that there was an expectation on what had been Civic Mayoral Regalia attire, however, discretion could be taken into account as highlighted at 8.1 and 10.1 to dress for weather conditions as appropriate.
- Members commented on whether the Chair of Constitution and Ethics Committee should consider whether it was appropriate for him to discuss matters in relation to the Civic Protocol given he was due to be appointed to the Mayor role for the Municipal Year 2023/24. The Director of Law and Governance advised that it would be up to the individual to decide whether involvement in Civic Protocol discussions were appropriate, as the position currently was for Mayor elect.
- There was an expectation for the Mayor to follow the Civic Protocol when undertaking the role.
- Members commented that the list was determined by officers and was intended to provide clarity about what Civic Regalia should be worn for all occasions, in order to avoid any embarrassment at future events.
- The Executive and Member Services Manager commented that advice provided within the list would outline what the expectation was for each event. It was also

felt that consideration should be given towards public perception and whether the appropriate Regalia was being worn correctly, which had been the issue recently experienced at the proclamation ceremony in September 2022.

- Members commented that when a Councillor becomes Mayor, they were the first citizen of Peterborough and the protocol on Regalia was felt necessary to ensure that they met public expectations when they undertake the role.
- Some Members felt that there could be some discretion on what to wear, particularly at Royal events.
- Members were advised that there would be a code of conduct issue and sanctions would apply if the Mayor decided not to wear the correct Civic Regalia if the proposals were adopted by Full Council.
- It would be for Full Council to decide whether to approve the Civic Protocol or not.
- Some Members were in favour of the Civic Regalia changes and some were not and it was felt that if those Members wanted to highlight a specific issue, then they should do so at Full Council.

The Constitution and Ethics Committee considered the report and, proposed a motion to recommend to Full Council for approval, the Civic Protocol which was **RESOLVED** (4 in favour, 0 against, 3 abstentions).

AGREED ACTIONS

The Constitution and Ethics Committee agreed to recommend that Full Council agree the:

1. Declaration of Acceptance of Office (outlined in Appendix 2 of the report);
2. The wording in section 18.3 of the Civic Protocol and
3. The revised Civic Protocol (outlined in Appendix 1 to the report).

50. CONSTITUTION AND ETHICS COMMITTEE START TIME 2023/24

The Constitution and Ethics Committee received a report in relation to the start time for Constitution and Ethics meetings in 2023/24.

The purpose of this report was for the Constitution and Ethics Committee to discuss and agree the start times for meetings from the beginning of the Municipal Year 2023-24.

The Democratic Services Officer introduced the report and asked members to consider what time they would like the meetings to start in 2023/24.

The Constitution and Ethics Committee considered the request and **RESOLVED** (Unanimous) to agree and recommend to Council the start time for all Constitution and Ethics Committee meetings for the Municipal Year 2023-24 of 6:00PM.

AGREED ACTIONS

The Constitution and Ethics Committee agreed:

To recommend to Council that the start time for all Constitution and Ethics Committee meetings for the Municipal Year 2023-24 of 6:00PM.

INFORMATION AND OTHER ITEMS

51. DISPENSATIONS ISSUED

The Constitution and Ethics Committee **RESOLVED** (Unanimous) to note that there had been no dispensations issues since the last meeting on 21 November 2022.

52. 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 21 November 2022.

53. 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 asked Members to note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting on 21st November 2022. Since the Committee's last report there had been two new complaints received in relation to City Councillors and one ongoing complaint received in relation to Parish Councillors.

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

54. WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

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

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

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

- The Executive and Members Services Manager explained that the national honours had been suggested on the Work Programme as it had been highlighted that there had been no nominations received by the Lieutenancy Office for some time.
- Members commented that training on how to nominate people for national honours awards should be offered. It was also felt that the national honours arrangements had fallen off the Council's processes and that this should be rectified.
- The item on how the Mayor was chosen for the following Municipal year was in relation to the qualifying requirements. Members felt that there were other options, which should also be considered, such as whether a Councillor wanted to defer being put forward for the position.
- It was suggested that the Civic Awards ceremony date was amended to allow for Ramadan.

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

ACTION AGREED

The Constitution and Ethics Committee agreed the draft work programme for 2023/24 and also agreed that:

1. A training opportunity would be provided to Councillors on how to nominate people for a National Honours Award.
2. Officers would explore the possibility in changing the date of the Civic Awards Ceremony to one that avoided a clash with the Ramadan period.

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