



Establishment Committee

Date: TUESDAY, 16 NOVEMBER 2021

Time: 1.45 pm

Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members:

Tracey Graham (Chair)	Christopher Hayward
Deputy Edward Lord (Deputy Chairman)	Deputy Jamie Ingham Clark
Randall Anderson	Jeremy Mayhew
Deputy Keith Bottomley	Deputy Richard Regan
Alderman Sir Charles Bowman	Deputy Elizabeth Rogula
Henry Colthurst	Ruby Sayed
Karina Dostalova	Deputy Tom Sleigh
Deputy Kevin Everett	Deputy Philip Woodhouse
The Revd Stephen Haines	

Enquiries: Lorraine Brook
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Lunch will be served in Guildhall Club at 1pm, where it is requested not less than 48 hours before the meeting

Accessing the virtual public meeting

Members of the public can observe this virtual public meeting at the below link:

<https://youtu.be/d8NfM6gvbvxk>

A recording of the public meeting will be available via the above link following the end of the public meeting for up to one municipal year. Please note: Online meeting recordings do not constitute the formal minutes of the meeting; minutes are written and are available on the City of London Corporation's website. Recordings may be edited, at the discretion of the proper officer, to remove any inappropriate material.

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

For Formal Decision

3. **MEMBER/OFFICER CHARTER**

A joint report of the Town Clerk and Chief Executive and the Comptroller and City Solicitor relative to the adoption of the Member/Officer Charter.

For Decision
(Pages 5 - 24)

4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

5. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

6. **EXCLUSION OF THE PUBLIC**

MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

For Decision

Part 2 - Non-Public Agenda

7. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

8. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

Part 3 - Confidential Agenda

For Formal Decision

9. **PROPOSALS FOR THE ORGANISATIONAL DESIGN OF THE DEPARTMENT OF THE DEPUTY TOWN CLERK AND CHIEF EXECUTIVE**

A report of the Deputy Town Clerk and Chief Executive relative to proposals for the organisational design of the department of the Deputy Town Clerk and Chief Executive.

Please note that Appendix B is TO FOLLOW.

For Decision
(Pages 25 - 88)

10. **CITY OF LONDON FREEMEN'S SCHOOL ORGANISATION DESIGN**

A report of the Headmaster, City of London Freemen's School.

For Decision
(Pages 89 - 104)

11. **CHAMBERLAIN'S DEPARTMENT ORGANISATION DESIGN**

A report of the Chamberlain.

For Decision
(Pages 105 - 150)

For Information

12. **TOM REVIEW: PILOT PROJECT AT THE THREE CITY OF LONDON SCHOOLS**

A report of the Bursar of the City of London School.

For Information
(Pages 151 - 160)

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Committee: Establishment Committee – for decision Policy & Resources Committee – for decision Court of Common Council – for decision	Dated: 16/11/2021 18/11/2021 09/12/2021
Subject: Member/ Officer Charter	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1, 5, 10
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: The Town Clerk & Chief Executive and the Comptroller & City Solicitor	For Decision
Report author: Angela Roach, Assistant Town Clerk and Executive Director, Governance and Members' Services	

Summary

A Member/Officer Protocol was adopted by the Court of Common Council in 2006 and was most recently reviewed and updated in April 2019. Since then, several factors have suggested that the existing Member/Officer Protocol required review and to be given a higher profile within the City Corporation's governance arrangements as soon as practicable. Following a review of the existing Protocol by the Comptroller and City Solicitor, in consultation with senior Members, the draft Member/Officer Charter is set out before Members for consideration. Based on the most up to date version of the Protocol, in broad terms the drafting of the document remains appropriate and fit for purpose. Several amendments are proposed for the purpose of clarity and emphasis.

Recommendation

Members are asked to approve the proposed Member/Officer Charter as set out in Appendix one. The Policy and Resources Committee is also asked to make recommendation thereon to the Court of Common Council.

Main Report

1. Member/officer protocols became common practice in local government in the 2000s following the significant move to executive arrangements for the majority of local authorities in 2001. While these changes did not affect the Corporation, it adopted its own member/officer protocol in 2006.
2. In recent years Court of Common Council's Establishment Committee (formerly in conjunction with the Standards Committee) has reviewed the Protocol, with

any recommended changes being recommended to the Court of Common Council by way of the Policy and Resources Committee. The last such review took place in 2019 and an updated Member/Officer Protocol was approved by the Court of Common Council on 25 April 2019.

3. The aim of such protocols is to provide an explanation and guidance in respect of the complex relationship between elected members and employed officers which is central and essential to the success of local government in the United Kingdom. Protocols serve as a counterpoint to the Members' Code of Conduct and arrangements for determining complaints under the Localism Act 2011 and the Officer Code of Conduct and disciplinary and performance procedures for officers and, in addition to setting out mutual expectations, offer a less formal route for resolving issues.

Reasons for Review

4. A number of factors suggest that the existing Officer/Member Protocol requires review and to be given a higher profile within the Corporation's governance arrangements as soon as practicable.

(i) Following the Lisvane Report, the Corporation has made significant changes to its arrangements for dealing with complaints against elected members by the establishment of a panel of Independent Persons (as defined under s.28 of the Localism Act 2011) ("the Panel"). The Panel is well advanced in finalising its procedure and has indicated that while it is happy to take into account attempts at resolution of issues before they are referred to it where appropriate, such arrangements should be for the Corporation to determine. This is without prejudice to the ability of the Panel to recommend or encourage mediation or conciliation etc. as part of its own process.

(ii) Over the last twelve months concerns have been raised by a number of senior officers with the Town Clerk & Chief Executive and the Comptroller & City Solicitor (who as Head of Paid Service and Monitoring Officer have reporting duties in relation to staffing issues and legal compliance respectively) about the conduct of a minority of members. The Corporation needs to ensure that it has appropriate arrangements to resolve such issues, at the lowest possible level of formality where appropriate.

(iii) The Court elections in March 2022 are likely to result in a significant intake of new members, most of whom are unlikely to have experience of elected office in local government and it will be important to ensure that appropriate working relationships and mutual expectations are clearly established and promoted from the start.

Summary of Proposed Amendments

5. In broad terms the drafting of the document remains appropriate and fit for purpose. Several amendments are proposed for the purpose of clarity and emphasis. It is largely self-explanatory.
6. The significant changes are as follows:
 1. Rebranding to Member/Officer Charter which conveys a stronger set of mutual commitment and expectation than “protocol”.
 2. The addition of a specific provisions of Chairmen/Chairs. A committee chair has common law powers to keep order and manage business in committee. This extends not only to overt disruptive behaviour but can extend to bullying, aggression and discourtesy which can damage relationships between members themselves and members and officers and harm good administration and discharge of functions. The Charter therefore seeks to reassert these powers and encourage Chairmen/Chairs to exercise them.
7. It is suggested that dealing with issues as and when they arise, in appropriate circumstances, will be conducive to improving the committee experience for all participants, promoting a positive and collaborative working environment, and minimising the need for escalation.
8. It is also a formal and positive assertion of the Corporation’s aspirations as a “Member led” authority/organisation and supports the statutory duty to promote and maintain high standards of conduct of members and co-opted members and to manage its business in a prudent and business-like manner. It also supports the Corporation’s various employment law duties to its employees and workers.

Corporate & Strategic Implications

9. Strategic/ Financial/ Resource/ Legal/ Risk Equalities/ Climate/ Security Implications – there are none.

Conclusion

10. Members are asked to approve the proposed Member/Officer Charter as set out in Appendix one. The Policy and Resources Committee is also asked to make recommendation thereon to the court of Common Council.

Appendices

- Appendix 1: Member Officer Charter – Clean version
- Appendix 2: Member Officer Charter – Combined (track changes) version

Background Papers

- Report to the Court of Common Council – 25 April 2019: *Amendment to Protocol on Member/Officer Relations*

Contact

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MEMBER / OFFICER CHARTER

Forward: Town Clerk and Chief Executive

The City of London Corporation is committed to contributing to a flourishing society and we rightly expect people to treat each other with respect, dignity and courtesy.

In a busy, high-pressured workplace maintaining these standards is important to our ways of working

This Charter is designed to ensure we have positive and appropriate working relationships based on mutual trust, respect and understanding.

We expect Members and Officers read it, commit to it and use it to ensure the City of London Corporation exhibits the highest possible standards.

We are committed to working in a way that demonstrates that equality, diversity and inclusion is at the heart of all that we do.

1. Introduction

- (1) The purpose of this Charter, which replaces the Member/Officer Protocol, originally adopted by the Court of Common Council in 2006 and updated over the years, is to provide a reinforced Court of Common Council commitment to maintaining positive and appropriate working relationships between Members of the Court (including co-opted Members) and Officers, and is in addition to any legal requirements governing these relationships. The Charter applies across all the of the Corporation's functions.
- (2) Although it does not form part of the Members' or Employees' Codes of Conduct, the Charter should be viewed in conjunction with those documents.
- (3) Responsibility for upholding the Protocol rests with Committee Chairs/Chairmen and Chief Officers, supported where necessary by the Chief Commoner and the Aldermanic Chairmen and, the Independent Standards Panel in relation to Members, and with the Town Clerk & Chief Executive in relation to Officers.

2. Principles Underlying Member / Officer Relations

- (1) effective decision-making and policy and service delivery supported through good administration are dependent upon the maintenance of successful working relationships between Members and Officers, based on mutual trust, respect and an understanding of and adherence to, respective roles and responsibilities. These relationships, and the trust which underpins them, must not be abused or compromised. The partnership between Members and Officers is one of the strengths of local government.
- (2) Whilst it is acceptable for Members, particularly Committee Chairs/Chairmen as part of their leadership role, to offer guidance to

Officers, they must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Corporation . It is the responsibility of Officers to provide clear, impartial advice upon which Members may make decisions, respecting Members' democratic accountability and accepting appropriate scrutiny and challenge.

- (3) In addition to avoiding actual impropriety, Members and Officers should also seek to avoid situations which might give rise to the suspicion and/or appearance of improper conduct.

3. Role of Members

- a. Members are subject to:-
 - i. the Members' Code of Conduct and the Seven Principles of Public Life;,
 - ii. Standing Orders of the Court of Common Council.
 - iii. Relevant Corporation Policies and Protocols e.g. the Planning Protocol; and.
 - iv. Relevant legal requirements e.g. the rules on disclosable pecuniary interests, obligations relating to health and safety at work and data protection.
- b. Members have four main areas of responsibility:-
 - i. determining the policy and strategic direction of the Corporation
 - ii. monitoring, scrutinising and reviewing the performance of the Corporation in implementing that policy and delivering services
 - iii. representing the Corporation externally
 - iv. representing their constituents and stakeholders

- c. It is not the role of Members to involve themselves in the detail of day to day management of the Corporation's services, employees and workers.
- d. Members are required to take the advice of Officers into account in reaching a decision on a matter and must respect Officers' responsibility to provide impartial advice, guidance and information.
- e. The power to make decisions for the discharge of the authority's functions lies with the Court of Common Council, the properly constituted committees and sub-committees and specified Officers under the Scheme of Delegation. A Member acting in an individual capacity cannot exercise any lawful authority and Members in general must operate through the Court of Common Council and its committees and sub committees. Members acting individually may not legally commit the Corporation. This requirement applies to all the Corporation's decision making bodies established by the Court regardless of how they are described.
- f. Whilst individual Chairs/Chairmen are in the same constitutional position as all other Members, having no legal authority to make executive decisions, they have certain other powers (e.g. the control and conduct of meetings) as well as a broader leadership role. Chief Officers are required to consult Chairs/Chairmen (and Deputy Chairs/Chairmen) before certain delegated powers are exercised. The role of Chairs/Chairmen is explored in more detail below.
- g. Leading Members i.e. the Lord Mayor, the Chair/Chairman of the Policy & Resources Committee, the Chief Commoner and other Committee Chairmen (or Deputy Chairmen with the agreement of, or in the absence of, the relevant Chairman) can speak for the Corporation on matters appropriate to their roles and in accordance with the policy of the Corporation. Media interventions should be arranged via the Communications Team overseen by the Executive Director of Communications & External Affairs.
- h.
 - i. Whilst all other Members have opportunities to promote the work of the Corporation with the people they meet and when entertaining on behalf of the Corporation, they cannot act as spokespersons for the Corporation.

4. Role of Chairs/Chairmen

Chairs/Chairmen have a key leadership role within the Corporation. In discharging their traditional role of ensuring effective and efficient consideration of Committee business, including maintaining order, they have a crucial role in creating a positive and inclusive committee environment which allows robust debate, challenge and scrutiny to take place in a respectful and courteous manner, where neither Members nor Officers are exposed to bullying, undermining or other inappropriate conduct.

Inappropriate conduct towards another participant whether, Member, Officer or a Third Party, at a committee meeting is not consistent with good governance, committee management, and the Corporation's Values. Such behaviour can often best be resolved there and then by the appropriate intervention of the Chair/Chairman and such action should be supported by the Committee. Prompt action in such cases is likely to prevent the souring of relationships and escalation to formal procedures and creates a supportive environment. This responsibility extends to the business of the committee outside formal meetings e.g. at informal meetings and in correspondence.

[Drafting Note: The Chair has a common law duty and power to maintain order at meetings. The usual Standing Order which effectively allows a Chair to move a motion “that a member is not further heard” where a member is disruptive or disregards the rulings of the Chair, does not appear in the Corporation’s Standing Orders].

5. Role of Officers

- a. Officers are subject to:
 - i. the Corporation’s Code of Conduct for Officers;
 - ii. Standing Orders of the Court of Common Council;
 - iii. The Scheme of Delegations, Financial Regulations and Contracts Code; and,
 - iv. other instructions and professional guidelines relevant to their duties.
- b. The primary role of Officers is to provide impartial advice, guidance and information to Members, and to implement promptly and efficiently the policies determined by the Court of Common Council and its various committees. Certain Officers have specific statutory responsibilities.
- c. Officers must recognise the right of Members, as elected representatives, to determine the policy of the authority and to appropriately scrutinise and challenge officer proposals and policy and service delivery, and must not act in any way to undermine that right.

- d. Officers serve the Corporation as a whole and must carry out the work of the Corporation under the direction and control of the Court of Common Council and the properly constituted committees and sub-committees.

6. Expectations

- a. Members have a right to expect from Officers:-
 - i. commitment to the Corporation as a whole
 - ii. a working partnership
 - iii. an understanding of, and support for, respective roles, workloads and pressures
 - iv. timely response to enquiries and complaints and the efficient execution of decisions
 - v. impartial, professional advice and guidance
 - vi. regular, up to date information on matters appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold
 - vii. respect, dignity and courtesy
 - viii. integrity, mutual support and appropriate confidentiality
 - ix. not to have personal issues raised with them outside the agreed procedures
 - (k) that they will not use their relationship with Members to advance their personal interests or to influence decisions improperly
 - (l) compliance at all times with the Officer's Code of Conduct
 - (m) Commitment to equality, diversity and inclusion in their relationship with Members and colleagues
- b. Officers have a right to expect from Members:-
 - i. a working partnership
 - ii. an understanding of, and support for, adherence to respective roles, workloads and pressures
 - iii. leadership and policy direction
 - iv. respect, dignity and courtesy
 - v. integrity, mutual support and appropriate confidentiality
 - vi. not to be subject to bullying or to be placed under undue pressure and, in this respect, Members should have regard to the seniority of Officers in their dealings with them and should not engage junior officers in discussions and requests more properly directed at senior officers
 - vii. that they will not use their relationship with Officers to advance their personal interests or to influence decisions improperly
 - viii. compliance at all times with the Members' Code of Conduct
 - ix. Commitment to equality, diversity and inclusion in their relationship with Officers and colleagues

7. Members in the Ward Role

Members will, through their work with their electorate and stakeholders, need to contact Officers to obtain information on behalf of their constituents and others. This is perfectly in order and from time to time it may be appropriate for Officers to reply to constituents etc. on behalf of, or at the request of, Members.

8. Correspondence and Communications

Members may contact (i.e. by letter, e-mail, , telephone) Officers to seek advice, guidance or information. Whatever method of communication is used,

Members should receive an acknowledgement as soon as possible, but in any event within 2 working days, and a full response as soon as possible thereafter within 10 working days of receipt of the request. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible following the acknowledgement, but in any event before the expiry of the 10 working days.

9. Limitations on Behaviour

The separate roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration:-

- a. personal relationships between Members and Officers going beyond normal working relationships can confuse/obscure the separate roles and interfere with the proper discharge of the authority's functions, not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment;
- b. the need to maintain and recognise the separate roles means that there are limits to the matters on which Members may seek the advice of Officers;
- c. relationships with particular individuals should not be such as to create a suspicion/perception that an Officer favours a particular Member above others.

10. Reports

- a. Chairmen of committees or sub-committees may, on behalf of the committees or sub-committees concerned, make reasonable requests to Chief Officers or other Officers to prepare written reports on matters relating to the authority for consideration at Member-level. Such requests should not seek confidential information (e.g. relating to case work or personal details of applicants for services).
- b. Any disagreement relating to such a request (e.g. if the Chief Officer concerned considers that the cost of providing the information or the nature of the request is unreasonable) should be referred to the Town Clerk.

11. Members' Access to Documents and Information

- a. Members' rights of access to documents and information are governed by the common law and statute. Members have such access to documents and information that is reasonably necessary to enable them properly to perform their duties as elected representatives.
- b. Generally, information should, therefore, be made available to Members on request unless there is a justifiable legal or other reason for declining access.
- c. Standing Order No. 42 sets out the detail on Members' access to documents.

- d. If the information is not readily available or will require significant resources to produce, Officers should seek the guidance of their Chief Officer before taking steps to provide information that has been requested.

12. Other Members of Corporation Committees

Co-opted Members of the various committees, the Verderers serving on the Epping Forest & Commons Committee and other external Members of committees are entitled to receive documents and information relating to their appointments in the same way as if they were elected Members.

13. Dispute Procedures

- a. The overriding objective in any dispute is to achieve a satisfactory resolution through informal channels. However, it has to be recognised that this might not always be appropriate. The Corporation's Independent Standards Panel may take into account informal efforts, or lack of effort, to resolve issues informally when considering formal complaints under the Localism Act 2011.

b. Procedure for Members:-

- i. If a Member is dissatisfied with the conduct, behaviour or of an Officer, the matter should be raised with the appropriate Chief Officer.
- ii. If the employee concerned is a Chief Officer, the matter should be raised with the Town Clerk. (In the case of the Town Clerk there is a separate procedure.)
- iii. If the matter cannot be resolved informally, it may be necessary to utilise to the Corporation's Disciplinary Procedure.

c. Procedure for Officers:-

- i. If an Officer is dissatisfied with the conduct or behaviour of a Member, they are encouraged to raise the matter with the appropriate Chief Officer or the Town Clerk with a view to seeking to resolve their concerns informally if possible. This may result in the matter being referred to the Chief Commoner or one of the Aldermanic Chairmen where appropriate.
- ii. An Officer also has the same right as any other person under the Localism Act 2011 to make a complaint to the Independent Standards Panel where they consider that there has been a breach of the Members' Code of Conduct.
- iii. Concerns raised by an office will be dealt with in accordance with the Corporation's Whistleblowing Policy as appropriate.

14. Review

- d. This Charter will be reviewed annually by the Establishment Committee and re-communicated to Members and Officers. The next such review to take place in [two month window] 2022.

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PROTOCOL ON MEMBER / OFFICER CHARTER RELATIONS

Forward: Town Clerk and Chief Executive

~~We believe in equality, diversity and inclusion.~~ The City of London Corporation is committed to contributing to a flourishing society and we rightly expect people to treat each other with respect, dignity and courtesy.

In a busy, high-pressured workplace maintaining these standards is ~~not~~ always easy. important to our ways of working

This Charter is designed to ensure we have positive and appropriate working relationships based on mutual trust, respect and understanding.

We expect Members and Officers read it, commit to it and use it to ensure the City of London Corporation exhibits the highest possible standards.

We are committed to working in a way that demonstrates that the promotion of ~~We believe in equality, diversity and inclusion~~ is at the heart of all that we do.

1. Introduction

- (1) The purpose of ~~this~~ this Charter, which replaces the Member/Officer Protocol, originally adopted which was approved by the Court of Common Council in on 13 April 2006 and updated over the years, is to provide a reinforced Court of Common Council commitment guide to maintaining positive and appropriate working relationships between Members of the Court (including co-opted Members) and Officers, and is in addition to any legal statutory requirements governing these such relationships. The Charter Protocol applies across all the whether such relationships are in the context of the Corporation's City's role as a local authority, police authority, port health authority or in any of its other roles functions.
- (2) Although it does not form part of the Members' or Employees' Codes of Conduct, the Charter Protocol should be viewed in conjunction with those documents.
- (3) Responsibility for upholding the Protocol rests with Committee Chairs/Chairmen and Chief Officers, supported where necessary by the Chief Commoner and the Aldermanic Chairmen and, when necessary, the Independent Standards Panel Standards Committee in relation to Members, and with the Town Clerk & Chief Executive in relation to Officers.

2. Principles Underlying Member / Officer Relations

2.3.

- (1) Good administration, and effective decision-making and policy and service

delivery supported through good administration are dependent upon the maintenance of successful working relationships between Members and Officers, based on mutual trust, respect and an understanding of and adherence to, respective roles and responsibilities. These relationships, and the trust which underpins them, must should not be abused or compromised. The partnership between Members and Officers is one of the strengths of local government.

- (2) Whilst it is acceptable for Members, particularly Committee Chairs/Chairmen as part of their leadership role, to offer guidance to Officers, they must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Corporation authority. It is the responsibility of Officers to provide clear, impartial advice upon which Members may make decisions, respecting Members' democratic accountability and accepting appropriate scrutiny and challenge.
- (3) In addition to avoiding actual impropriety, Members and Officers should also seek to avoid situations which might give rise to the suspicion and/or appearance of improper conduct.

3. Role of Members

d.a. Members are subject to:-

- i. the Members' Corporation's Code of Conduct and the Seven Principles of Public Life; and,
- ii. Standing Orders of the Court of Common Council.
- iii. Relevant Corporation Policies and Protocols e.g. the Planning Protocol; and.
- ii.iv. Relevant legal requirements e.g. the rules on disclosable pecuniary interests, obligations relating to health and safety at work and data protection.

-b. Members have four main areas of responsibility:-

- i. determining the policy and strategic direction of the Corporation
- ii. monitoring, scrutinising and reviewing the performance of the Corporation in implementing that policy and delivering services
- iii. representing the Corporation externally
- iv. representing their constituents and stakeholders

f.c. It is not the role of Members to involve themselves in the detail of day to day management of the Corporation's services, employees and workers~~services~~.

g.d. Members are required to take the advice of Officers into account in reaching a decision on a matter and must respect ~~the~~ Officers' responsibility to provide impartial advice, guidance and information.

h.e. The power to make decisions for the discharge of the authority's functions lies with the Court of Common Council, ~~and~~ the properly constituted committees and sub-committees and specified Officers under the Scheme of Delegation. A Member acting in an individual capacity cannot exercise any lawful authority and Members in general must operate through the Court of Common Council and its committees and sub committees. Members acting individually may not legally commit the Corporation. This requirement applies to all the Corporation's decision making bodies established by the Court regardless of how they are described.

i.f. Whilst individual Chairs/Chairmen are in the same constitutional position as all other Members, having no legal authority to make executive decisions, they have certain other powers (e.g. the control and conduct of meetings) as well as a broader leadership role. Chief Officers are required to consult Chairs/Chairmen (and Deputy Chairs/Chairmen) before certain delegated powers are exercised. The role of Chairs/Chairmen is explored in more detail below.

j.g. Leading Members i.e. the Lord Mayor, the Chair/Chairman of the Policy & Resources Committee, the Chief Commoner and other Committee Chairmen (or Deputy Chairmen with the agreement of, or in the absence of, the relevant Chairman) can speak for the Corporation on matters appropriate to their roles and in accordance with the policy of the Corporation. Media interventions should be arranged via Arrangements for media interviews and the Communications Team overseen by issue of press releases will be made through or in agreement with the Executive Director of Communications & External Affairs~~Public Relations Office~~.

a.h.

i. Whilst all other Members have opportunities to promote the work of the Corporation with the people they meet and when entertaining on behalf of the Corporation, they cannot act as spokespersons ~~spokesmen~~ for the Corporation.

4. Role of Chairs/Chairmen

Chairs/Chairmen have a key leadership role within the Corporation. In discharging their traditional role of ensuring effective and efficient consideration of Committee business, including maintaining order, they have a crucial role in creating a positive and inclusive committee environment which allows robust debate, challenge and scrutiny to take place in a respectful and courteous manner, where neither Members nor Officers are exposed to bullying, undermining or other inappropriate conduct.

Inappropriate conduct towards another participant whether, Member, Officer or a Third Party, at a committee meeting is not consistent with good governance, committee

management, and the Corporation's Values. Such behaviour can often best be resolved there and then by the appropriate intervention of the Chair/Chairman and such action should be supported by the Committee. Prompt action in such cases is likely to prevent the souring of relationships and escalation to formal procedures and creates a supportive environment. This responsibility extends to the business of the committee outside formal meetings e.g. at informal meetings and in correspondence. [Drafting Note: The Chair has a common law duty and power to maintain order at meetings. The usual Standing Order which effectively allows a Chair to move a motion "that a member is not further heard" where a member is disruptive or disregards the rulings of the Chair, does not appear in the Corporation's Standing Orders].

3.5. Role of Officers

- a. Officers are subject to:
 - i. the Corporation's Code of Conduct for Officers;
 - ii. Standing Orders of the Court of Common Council;
 - iii. The Scheme of Delegations, Financial Regulations and Contracts Code; and,
 - iv. other instructions and professional guidelines relevant to their duties.
- b. The primary role of Officers is to provide impartial advice, guidance and information to Members, and to implement promptly and efficiently the policies determined by the Court of Common Council and its various committees. Certain Officers have specific statutory responsibilities.
- a-c. Officers must recognise the right of Members, as elected representatives, to determine the policy of the authority and to appropriately scrutinise and challenge officer proposals and policy and service delivery, and must not act in any way to undermine that right.

(4)d. Officers serve the Corporation as a whole and must carry out the work of the Corporation under the direction and control of the Court of Common Council and the properly constituted committees and sub-committees.

4.6. Expectations

(1)a. Members have a right to expect from Officers:-

- (a)i. commitment to the Corporation as a whole
- (b)ii. a working partnership
- (c)iii. an understanding of, and support for, respective roles, workloads and pressures
- (d)iv. timely response to enquiries and complaints and the efficient execution of decisions
- (e)v. impartial, professional advice and guidance
- (f)vi. regular, up to date information on matters appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions ~~they hold~~~~they hold~~
- (g)vii. respect, dignity and courtesy
- (h)viii. integrity, mutual support and appropriate confidentiality
- (i)ix. not to have personal issues raised with them outside the agreed procedures
- (k) that they will not use their relationship with Members to advance their personal interests or to influence decisions improperly
- (l) compliance at all times with the Officer's relevant Code of Conduct
- (m) Commitment to equality, diversity and inclusion in their relationship with Members and colleagues

(2)b. Officers have a right to expect from Members:-

- (a)i. a working partnership
- (b)ii. an understanding of, and support for, adherence to respective roles, workloads and pressures
- (c)iii. leadership and policy direction
- (d)iv. respect, dignity and courtesy
- (e)v. integrity, mutual support and appropriate confidentiality
- (f)vi. not to be subject to bullying or to be placed under undue pressure and, in this respect, Members should have regard to the seniority of Officers in their dealings with them ~~and~~~~ie. They~~~~and~~ should not engage junior officers in discussions and requests more properly directed at senior officers
- (g)vii. that they will not use their relationship with Officers to advance their personal interests or to influence decisions improperly
- (h)viii. compliance at all times with the Members' relevant Code of Conduct
- (i)ix. Commitment to equality, diversity and inclusion in their relationship with Officers and colleagues

5.7. Members in the Ward Role

Members will, through their work with their electorate and stakeholders, need to contact Officers to obtain information on behalf of their constituents and others. This is perfectly in order and from time to time it may be appropriate for Officers to reply to constituents etc. on behalf of, or at the request of, Members.

6.8. Correspondence and Communications

Members may contact (i.e. by letter, e-mail, ~~fax~~, telephone) Officers to seek advice, guidance or information. Whatever method of communication is used, Members should receive an acknowledgement as soon as possible, but in any event within 2 working days, and a full response as soon as possible thereafter within 10 working days of receipt of the request. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible following the acknowledgement, but in any event before the expiry of the 10 working days.

7.9. Limitations on Behaviour

The separate roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration:-

- ~~(1)~~a. personal relationships between Members and Officers going beyond normal working relationships can confuse/obscure the separate roles and interfere with the proper discharge of the authority's functions, not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment;
- ~~(2)~~b. the need to maintain and recognise the separate roles means that there are limits to the matters on which Members may seek the advice of Officers;
- ~~(3)~~c. relationships with particular individuals should not be such as to create a suspicion/perception that an Officer favours a particular Member above others.

8.10. Reports

- ~~(1)~~a. Chairmen of committees or sub-committees may, on behalf of the committees or sub-committees concerned, make reasonable requests to Chief Officers or other Officers to prepare written reports on matters relating to the authority for consideration at Member-level. Such requests should not seek confidential information (e.g. relating to case work or personal details of applicants for services).
- ~~(2)~~b. Any disagreement relating to such a request (e.g. if the Chief Officer concerned considers that the cost of providing the information or the nature of the request is unreasonable) should be referred to the Town Clerk.

9.11. Members' Access to Documents and Information

- ~~(1)~~a. Members' rights of access to documents and information are governed by the common law and statute. Members have such access to documents and information that is reasonably necessary to enable them properly to perform their duties as elected representatives.
- ~~(2)~~b. Generally, information should, therefore, be made available to Members on request unless there is a justifiable legal or other reason for declining access.
- ~~(3)~~c. Standing Order No. 42 sets out the detail on Members' access to documents.

- (4)d. If the information is not readily available or will require significant resources to produce, Officers should seek the guidance of their Chief Officer before taking steps to provide information that has been requested.

10.12. Other Members of Corporation Committees

Co-opted Members of the various committees, the Verderers serving on the Epping Forest & Commons Committee ~~and other external~~ the Independent Members of committees ~~the Standards Committee~~ are entitled to receive documents and information relating to their appointments in the same way as if they were elected Members.

11.13. Dispute Procedures NEEDS REVIEW

- (1)a. The overriding objective in any dispute is to achieve a satisfactory resolution through informal channels. However, it has to be recognised that this might not always be appropriate always be possible?? The Corporation's Independent Standards Panel may take into account informal efforts, or lack of effort, to resolve issues informally when considering formal complaints under the Localism Act 2011. All our other dispute resolution procedures encourage first to speak to the individual directly if that is possible and first to try to resolve issues informally why do we need ii? be possible.

(2)b. Procedure for Members:-

- (a)i. If a Member is dissatisfied with the conduct, behaviour or performance? of an Officer, the matter should be raised with the appropriate Chief Officer.

- (b)ii. If the employee concerned is a Chief Officer, the matter should be raised with the Town Clerk. (In the case of the Town Clerk there is a separate procedure.)

- iii. If the matter cannot be resolved informally, it may be necessary to utilise resort to the Corporation's Disciplinary Procedure Disciplinary Procedure.

(3)c. Procedure for Officers:-

- (a)i. If an Officer is dissatisfied with the conduct or behaviour of a Member, they are encouraged to raise the matter with the appropriate Chief Officer or the Town Clerk with a view to seeking to resolve their concerns informally if possible. This may result in the matter being referred to the Chief Commoner or one of the Aldermanic Chairmen where appropriate.

- ii. An Officer also has the same right as any other person under the Localism Act 2011 to make a complaint to the Independent Standards Panel Committee where they consider that there has been a breach of the Members' Code of Conduct.

- iii. Concerns raised by an officer will be dealt with in accordance with the Corporation's Whistleblowing Policy as appropriate.

14. Review

(b)d. This Charter will be reviewed annually by the Establishment Committee and re-communicated to Members and Officers. The next such review to take place in [two month window] 2022.

By virtue of paragraph(s) 1, 2, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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