

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