

## 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.
- 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. Theyand 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.

(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.