

Legal Services, Law & Governance  
222 Upper Street, London, N1 1XR

Report of: Director of Law and Governance

Meeting: Standards Committee

Meeting Date: 21 November 2024

Wards: All

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## Subject: Constitution Review – Protocol on the Member Officer Relationship

### 1. Synopsis

- 1.1. At its first meeting of the Constitution Working Group on 17 June 2024, members agreed that:
- a) The Working Group would meet bi-monthly.
  - b) The topics for the first four sessions shall be:
    - Financial Regulations
    - Procurement Rules
    - Protocol on Member/ Officer Relations
    - Engagement, Ward Structures and Ward Partnerships
  - c) The Working Group shall revisit Terms of Reference for Committees once the Corporate Resources and Economy Scrutiny Committee have completed their work on this.
  - d) The Working Group intends to present an amended Constitution to Full Council in May 2025. (However, due to the forthcoming implementation of the Procurement Act 2023 amendments to the Constitution will be in phases with the Financial Regulations and Procurement Rules, Protocol on Member/ Officer Relationship and Publicity protocol aiming to be presented to Full Council on 12 December 2024.

1.2. This report is to update the Working Group on the proposed updates to the Protocol on Member Officer Relations which are to be considered by the Standards Committee on 21 November 2024 with a recommendation to Council to adopt the revised Protocol at the next Full Council meeting on 12 December 2024.

1.3. The current Protocol was drafted in 2006 and is located in Part 6 of the council's Constitution.

1.4. The proposed amendments to the Protocol are set out in tracked changes, at **Appendix A**.

1.5. Officers from Legal Services, Democratic Services and Human Resources reviewed the Protocol in accordance with the LGA Guidance on Effective Member and Officer Relations, London Councils' Protocol on Member Officer Relations, and best practice at other local authorities including Southwark, Kensington & Chelsea, Hackney and Cumberland.

1.6. A summary of the proposed changes are as follows:

- Consistency of terminology
- Addition of Nolan Principles
- Further clarity on the respective roles of members and officers
- Addition of new sections on Scrutiny and Working Relationships

1.7. This report will be taken to the Standards Committee on 21 November 2024.

The Interested Persons' views have been sought on the revised draft Protocol.

In addition, the draft Protocol will be discussed at Standards training for members on the Code of Conduct for Members in due course.

1.8. The proposed amendments ensure that the Protocol are up to date and legally compliant.

## 2. Recommendations

2.1. To note and approve the proposed amendments to the Protocol for inclusion in the Council's Constitution with immediate effect.

## 3. Implications

### 3.1. Financial Implications

There are no financial implications arising from this report.

### 3.2. Legal Implications

3.2.1 A local authority is under a duty to prepare and keep up to date its constitution under section 9P Local Government Act 2000 as amended. The Constitution must contain:

- a. The Council's standing orders/ procedure rules.
- b. The Members' Code of Conduct
- c. Such information as the Secretary of State may direct.
- d. Such other information (if any) as the authority considers appropriate.

3.2.2. A Constitution Direction was issued by the Secretary of State in December 2000 that required around 80 matters to be included within constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area, amongst other things. Whilst issued under Part II Local Government Act 2000, the Direction survives the re-enactment into Part 1A (section 9B et seq.) of the 2000 Act by the Localism Act 2011 (under section 17 Interpretation Act 1978).

3.2.3. Constitutions must be available for inspection at all reasonable hours by members of the public and supplied to anyone who asks for a copy on payment of a reasonable fee.

### 3.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

3.3.1. There are no environmental implications.

### 3.4. Equalities Impact Assessment

3.4.1. The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

3.4.2. An Equalities Impact Assessment is not required in relation to this report.

## 4. Conclusion and reasons for recommendations

4.1. To note and approve the proposed amendments to the Protocol on Member Officer Relations.

### **Appendices:**

- Appendix A – Draft Protocol on Member Officer Relations (in tracked changes)

**Background papers:** None

**Final report clearance:**

Authorised by:

**Alison Stuart, Director of Law & Governance and Monitoring Officer**

Date:

Report Author: Sonal Mistry, Senior Lawyer (Governance)

Email: [sonal.mistry@islington.gov.uk](mailto:sonal.mistry@islington.gov.uk)

Legal Implications Author: Sonal Mistry, Senior Lawyer (Governance)

Email: [sonal.mistry@islington.gov.uk](mailto:sonal.mistry@islington.gov.uk)