

TOWER HAMLETS LBC
Revised Code of Conduct for Members
DRAFT

1. Introduction

1.1 This Code sets out the principles and standards of conduct for all elected and co-opted members of the London Borough of Tower Hamlets.

1.2 The Council is committed to the highest standards of ethical behaviour. The law prescribes minimum requirements of conduct which are included in this Code. The Code also contains additional requirements which the Council has chosen to adopt using its own local discretion.

1.3 Any reference to 'members' in this Code, or any appendices or related protocols, means the Mayor, elected and co-opted members. This Code applies at all times when members act in their capacity as member (or claim to act or give the impression of acting in their capacity as a member).

2. General Principles of Conduct

2.1 Members are required to comply with the following principles in their capacity as a member:-

SELFLESSNESS
INTEGRITY
OBJECTIVITY
ACCOUNTABILITY
OPENNESS
HONESTY
LEADERSHIP

2.2 Members must act solely in the public interest. They should not improperly confer (or seek to confer) an advantage or disadvantage on any person. They should not act to gain financial or other benefit for themselves, their family, friends or close associates.

2.3 Members should not place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member.

2.4 Members should make decisions on merit, including when awarding contracts, making appointments, or recommending individuals for rewards or benefits.

2.5 Members are accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their office.

2.6 Members should be as open as possible about their decisions and actions and those of the Council. They should be prepared to give reasons for decisions and have regard to the advice of the Council's statutory officers before making any decision.

2.7 Members should act to ensure Council resources are used prudently. When using or authorising the use by others of Council resources, members must ensure that they are used only for legitimate Council purposes and not for any other purpose. In particular they must not be used improperly for political purposes (including party political purposes).

2.8 Members should take account of the views of others, including their political groups, but must reach their own conclusions and act in accordance with those conclusions.

2.9 Members should promote equality and not discriminate unlawfully against any person. Members should treat all people with respect, they should not bully any person and should respect the impartiality and integrity of the Council's officers.

2.10 Members should promote and support high standards of conduct by leadership and example.

3. Members' Interests

3.1 For the purposes of this Code there are two categories of interest that require registration with the Monitoring Officer:

Disclosable pecuniary interest
Other interests the Council has decided should be registered

3.2 **A disclosable pecuniary interest** is defined by statutory regulation. Members must within 28 days of taking office as a member, notify the Monitoring Officer of any disclosable pecuniary interest to be included in the Register of Members' Interests.

3.3 A disclosable pecuniary interest also includes the interests of a members' partner. A partner is your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners. A member and their partner is referred to in the statutory definition of a disclosable pecuniary interest as 'relevant person'.

3.4 The categories of disclosable pecuniary interest are:

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on by a relevant person for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 months prior to the date of giving notice of interest for inclusion in the register in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between a relevant person (or a firm in which they are a partner, or a body corporate in which they are a director or in the securities of which body corporate they have a beneficial interest) and the relevant authority:-

under which goods or services are to be provided or works are to be executed; and
which has not been fully discharged.

Land

Any beneficial interest in land which is within the borough.

Licences

Any licence (alone or jointly with others) to occupy land in the borough for a month or longer.

Corporate tenancies

Any tenancy where (to the member's knowledge):-

the landlord is the Council; and

the tenant is a body in which the relevant person is a firm in which they are a partner, or a body corporate in which they are a director or in the securities of which body corporate they have a beneficial interest.

Securities

Any beneficial interest in securities of a body where:-

that body (to the member's knowledge) has a place of business or land in the borough; and

either:-

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

3.5 Other interests the Council has decided should be registered.

Members must also within 28 days of taking office as a member, notify the Monitoring Officer of such other interests that the Council has decided should be included in the register of Members' Interests. These are:

3.6 Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

3.7 Membership or position of control or management in:-

Any body to which you have been appointed or nominated by the Council; and/or
Any body exercising functions of a public nature (described below) or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party

3.8 There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-

carry out a public service, or
take the place of local/central government (including through outsourcing); or
carry out a function under legislation or in pursuit of a statutory power; or
can be judicially reviewed,

are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies and school governing bodies.

3.9 All members must ensure that their entries in the Register of Members' Interests are kept up to date they must notify the Monitoring Officer of any change to their interests within 28 days of the change arising.

4. Declaration of interests

4.1 Members with a disclosable pecuniary interest may not participate in any discussion of, vote on, or discharge any function relating to any matter in which the member has such an interest, unless a dispensation has been granted under Section 33 Localism Act 2011.

4.2 The law requires that if a member has a disclosable pecuniary interest

which is not entered on the Register of Members' Interests, then the member must disclose the interest to any meeting of the Council at which they are present where they have a disclosable pecuniary interest in any matter being considered at that meeting. However this shall not apply if the interest is a 'sensitive interest' (see para 4.3 below.) Following any such disclosure the law requires that members update their entry in the Register of Members' Interests within 28 days of the date of disclosure. In this context the law defines a meeting as a meeting of the Council, or any committee, sub-committee or joint committee of it.

4.3 A 'sensitive interest' is an interest the disclosure of which the member and Monitoring Officer have agreed could lead to the member or a person connected with them being subject to violence or intimidation

4.4 Where a member is present at a meeting and has registered an interest in any matter which is to be discussed at the meeting (which is not a disclosable pecuniary interest) they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. The member may stay in the room and participate in consideration of the matter and vote on it subject to paragraph 4.5.

4.5 Where a member has an interest which under this Code would not be a disclosable pecuniary interest but requires registration (and therefore would not generally by law prevent participation in consideration of a matter in which the member has that interest,) the member must also consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

5. Interests not included in the Register of Members' Interests

5.1 Occasions may arise where a matter under consideration would, or would be likely to, affect the wellbeing of the member, their family, friend or close associate(s) more than it would affect those in the local area generally, but which is not required to be included in the Register of Members' Interests (for example, a decision in relation to a school closure, where a member has a child at the school). In such matters, members must comply with paragraph 4 in its entirety as if the interest were a registerable one.

Note: The provisions of paragraphs 4 and 5 apply not only to meetings but to circumstances where a member makes a decision alone.

6. Access to Information

6.1 Members must not disclose confidential information given to them in the course of their duties without the consent of the person entitled to give it unless:-

there is a legal requirement to disclose the information, or

the disclosure is to a third person for the purpose of obtaining professional advice and the third party agrees not to disclose it, or

the disclosure is reasonable, in the public interest, made in good faith and made in accordance with the Council's reasonable requirements.

6.2 Conversely, members must not prevent access to information to which another is entitled by law.

7. Protocols

7.1 The Council has approved the following additional Codes and Protocols:

- Planning Code of Conduct
- Licensing Code of Conduct
- Member/Officer Protocol
- Employees' Code of Conduct

This Code should be read in conjunction with these Codes and Protocols.

8. Complaints

8.1 Any alleged breach by a member of the provisions of this Code or any of the Codes and Protocols listed in section 7 above will be dealt with in accordance with the arrangements set out in Appendix A to the Code.

8.2 Any failure by an officer to comply with the provisions of any of the Codes and Protocols listed in section 7 above will be referred to the relevant Corporate Director and may result in disciplinary action.

8.3 Members are reminded that breach of any of the statutory requirements relating to the registration and declaration of disclosable pecuniary interests may result in prosecution. Breach of the provisions introduced locally by the Council will be dealt with in accordance with Appendix A.

Members in need of advice about the application of this Code should contact the Monitoring Officer, Melanie Clay

Revised Code of Conduct for Members Appendix A

LONDON BOROUGH OF TOWER HAMLETS

REVISED ARRANGEMENTS FOR DEALING WITH COMPLAINTS OF BREACH OF THE CODE OF CONDUCT FOR MEMBERS

Arrangements agreed by the Council on 2016.

Introduction

The Council has adopted a Code of Conduct for Members which is available on the Council's website and on request from the Monitoring Officer.

In accordance with section 28 of the Localism Act 2011, these arrangements set out how an allegation may be made that the Mayor, an elected Member or a Co-opted Member of the London Borough of Tower Hamlets has failed to comply with the Council's Code of Conduct for Members and how the Council will deal with such allegations.

These arrangements also require that the Monitoring Officer shall ensure that the Council appoints at least one Independent Person and at least one reserve Independent Person for the purposes of meeting the statutory requirements of the Localism Act 2011.

Any reference in these arrangements to the Monitoring Officer shall include a deputy Monitoring Officer. The timelines set out are for guidance and shall be observed where practicable but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.

Complaints

1. Allegations concerning possible breaches of the Code of Conduct for Members should be made in writing to the Monitoring Officer.
2. On receipt of a complaint the Monitoring Officer shall within five working days acknowledge receipt to the complainant. The Monitoring Officer will also within five working days and on a confidential basis, inform the subject Member of the substance of the complaint and the identity of the complainant (unless the Monitoring Officer considers that such notification would prejudice the proper consideration and investigation of the complaint).
3. Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless the Monitoring Officer decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.
4. A complainant when making an allegation should specify the identity of the person(s) alleged to have breached the Code, the conduct that is alleged to give rise to the breach, the evidence that supports the allegation and the names (and contact details) for any potential witnesses able to give direct evidence of the events complained about.

Assessment of Complaints

5. The Monitoring Officer shall, after consultation with the Independent Person and within ten working days of receiving the complaint:

- (a) Decide whether or not a complaint merits formal investigation and where appropriate arrange for an investigation; OR
 - (b) Decide to attempt to facilitate informal resolution of the complaint (such attempt shall be subject to a four week time limit).
6. In making this determination the Monitoring Officer may at his/her discretion report the matter to the Investigation & Disciplinary Sub-Committee (IDSC) of the Standards (Advisory) Committee for consideration and/or consult other persons as appropriate.
7. The Monitoring Officer may decide not to refer the matter for investigation where:
- (a) The allegation does not demonstrate any potential breach of the Code (because for example it relates to dissatisfaction with a Council decision/service or relates to events which occurred when the person complained about was not acting in an official capacity).
 - (b) The event(s) complained about took place more than six months ago and there are no valid reasons for the delay in bringing the complaint, such as fresh evidence not available at the earlier date or only recently discovered.
 - (c) The allegation is about someone who is no longer the Mayor or a Member/Co-opted Member.
 - (d) The complainant has failed to provide the information specified in paragraph 4 above or any other information reasonably requested by the Monitoring Officer.
 - (e) The same or a similar allegation has been investigated and determined.
 - (f) The Mayor, Member or Co-opted Member has already accepted they made an error in their conduct and/or has apologised for their conduct and the Monitoring Officer considers the matter would not warrant a more serious sanction.
 - (g) The allegation is politically motivated and/or 'tit for tat'.
 - (h) The allegation is not considered sufficiently serious to merit the cost to the public of carrying out an investigation.
 - (i) The Monitoring Officer has facilitated an informal resolution of the complaint (see below) and the Mayor or Member/Co-opted Member complained about has offered to take remedial action that the Monitoring Officer considers appropriate in all the circumstances (for example by apologising to the complainant and/or undertaking training or issuing a statement of factual correction).
8. Where the Monitoring Officer decides to reject a complaint s/he shall inform the complainant in writing giving the reasons for rejection.

Investigation and Monitoring of Complaints

9. If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation him/herself. Such investigation should whenever possible be completed within two months of the decision to refer the matter for investigation. The Monitoring Officer may extend this period by up to a further two months where s/he feels it is necessary to ensure a proper and adequate investigation.
10. The Monitoring Officer will keep the complainant and the subject Member informed as to progress at appropriate intervals and shall inform them of any extension to the period for the investigation.

11. The Monitoring Officer will report quarterly (or less frequently if there are no complaints to report) to the Standards (Advisory) Committee on the number and nature of complaints received and action taken as a result. This will include details of complaints that have been rejected by the Monitoring Officer and any extension made to the period for an investigation of a complaint.
12. Where any investigation into a complaint of breach of the Code finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall within four weeks of receipt of the investigation report, consult with the Independent Person and decide whether the matter should be closed without reference to a Hearings Sub-Committee. The Monitoring Officer shall provide a copy of the report and findings of the investigation which shall be kept confidential to the complainant and to the Member concerned and shall report the matter as part of the quarterly report to the Standards (Advisory) Committee for information. The Monitoring Officer may also seek advice from the IDSC before deciding that a matter should be closed without reference to the Hearings Sub-Committee.
13. Where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer following consultation with the Independent Person, may seek local resolution of the complaint. If local resolution succeeds the Monitoring Officer shall report the matter as part of the quarterly report to the Standards (Advisory) Committee. If local resolution does not succeed or if following consultation with the Independent Person, the Monitoring Officer considers that it is not appropriate to seek local resolution, the Monitoring Officer shall report the investigation findings to a Hearings Sub-Committee of the Standards (Advisory) Committee for local hearing and determination. The Hearings Sub-Committee will whenever practicable be convened within one month of the Monitoring Officer receiving the investigation report.

Hearings Sub-Committee

14. The Hearings Sub-Committee will consider the investigation report and any submissions from the subject Member and determine:
 - (a) If there has been a breach of the Code of Conduct having taken into account the views of the Independent Person; and if so
 - (b) Whether any sanction is appropriate having taken into account the views of the Independent Person.
15. Possible sanctions may include any of the following:-
 - (a) Publication of the Sub-Committee's decision.
 - (b) Reporting the Sub-Committee's decision to Council.
 - (c) Requesting the Monitoring Officer to arrange training for the Member (subject to the Member's agreement).
 - (d) Issuing a censure or reprimand which may also be reported to Council.
 - (e) Requiring the Member to contact the Council and officers via specified point(s) of contact.
 - (f) Withdrawing facilities provided to the Member by the Council, such as a computer or internet access.
 - (g) Excluding the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive, Committee and Sub-Committee meetings (as appropriate).
 - (h) Recommending to the Member's Group Leader that s/he be removed from any or all Committees or Sub-Committees of the Council.
 - (i) Recommending to the Mayor that the Member be removed from the Executive, or removed from particular portfolio responsibilities.

- (j) Recommending to Council or the Mayor as appropriate the removal from outside appointments to which the Member has been appointed or nominated.
- (k) Recommending to Council that the Member be removed from any or all Council Committees or Sub-Committees.

16. In determining any recommended sanction the Hearings Sub-Committee may take into account any previous breach by the Member concerned and/or their compliance with any previous sanction applied.