

## 31 Code of Conduct for Members

### Introduction and Purpose of the Code

1. This Code has been developed to support the high standards of leadership and performance of members, and the openness and accountability necessary to ensure public confidence in the way in which you conduct your public duties.
2. The Code applies to the Mayor, Councillors, and Co-opted members of the Council, collectively referred to as member(s) in the remainder of this document.
3. A “Co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who
  - a) is a member of any committee or sub-committee of the authority, or;
  - b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
4. The Code does not apply to Independent Persons, Observers and other persons involved in the Council’s Committees, Boards, and Panels. They are expected to take into account the Code and to follow any rules set out by their own organisations and act appropriately. This includes those appointed to bodies such as the Health and Wellbeing Board who are appointed by other organisations.
5. The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.
6. In addition to the Member Code of Conduct, the Council’s governance arrangements include a number of further Codes and Protocols set out in the Constitution which provide additional guidance or obligations which Members must consider. These include, but are not limited to, the Planning and Licensing Codes of Conduct and the Member / Officer relations protocol.

7. As Members you are also required to adhere to the Council's Social Media policy in your role as a Member.
8. The Member Code of Conduct has been set within the context of the Tower Values of 'Together, Open, Willing, Excellent, and Respect' which we all hold [Council's TOWER values \(towerhamlets.gov.uk\)](http://towerhamlets.gov.uk).

### **General principles of councillor conduct**

9. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.
10. In accordance with the public trust placed in me, on all occasions:
  - I act with integrity and honesty
  - I act lawfully
  - I treat all persons fairly and with respect; and
  - I lead by example and act in a way that secures public confidence in the role of councillor.
11. In undertaking my role:
  - I impartially exercise my responsibilities in the interests of the local community
  - I do not improperly seek to confer an advantage, or disadvantage, on any person
  - I avoid conflicts of interest
  - I exercise reasonable care and diligence; and
  - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

12. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor/Councillor or on appointment as a co-opted member and continues to apply to you until you cease to be a member.
13. This Code of Conduct applies to you when you are acting in your capacity as a member which may include, but is not limited to, when:
  - You are acting on council business
  - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;
  - You misuse your position as a Councillor

14. The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and
- comments.

15. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

16. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of member conduct**

17. This section sets out your obligations. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

18. Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **A - Respect**

**19. As a Member:**

- a. I promote and support high standards of conduct through my leadership and example.**
- b. I treat other Members and members of the public with respect.**
- c. I treat local authority employees, and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**
- d. I take account of the views of others, including where applicable my political group, but I reach my own conclusions and act in accordance with those conclusions.**

20. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
21. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's confidence in councillors.

### **Public Behaviour**

22. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online
23. If you wish to raise concerns about the behaviour of a member of the public you can seek advice from the Monitoring Officer in the first instance.
24. Where you have stopped engaging or refused to engage with any member of the public who could reasonably be perceived as being abusive, threatening, intimidatory or otherwise displaying unacceptable behaviours you should direct them to other communication channels within the council.
25. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the member / officer protocol.

### **B – Bullying, harassment and discrimination**

#### **26. As a Member:**

- a. I do not bully any person**
- b. I do not harass any person**
- c. I promote equalities and do not discriminate unlawfully against any person**

27. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
28. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must

involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

29. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
30. The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.
31. Examples and case studies in relation to bullying, harassment and intimidation are set out in the appendices to the Code of Conduct.

### **C – Impartiality of officers of the council**

#### **32. As a Member:**

- a. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

33. Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you cannot require or coerce them to act differently, change their advice, or alter the content of that report.

### **D - Confidentiality and access to information**

#### **34. As a Member:**

- a. I do not disclose information:**
- i. Given to me in confidence by anyone**
  - ii. Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
    - 1. I have received the consent of a person authorised to give it;**
    - 2. I am required by law to do so;**
    - 3. The disclosure is made to a third party for the purpose of obtaining professional legal advice**

**provided that the third party agrees not to disclose the information to any other person; or**

**4. The disclosure is:**

- a. Reasonable and in the public interest; and**
- b. Made in good faith and in compliance with the reasonable requirements of the local authority;**
- c. And I have consulted the Monitoring Officer prior to its release.**

**35. I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.**

**36. I do not prevent anyone from getting information that they are entitled to by law.**

37. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **E – Disrepute**

**38. As a Member:**

- a. I do not bring my role or local authority into disrepute**

39. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

40. Members collectively are able to hold the local authority and fellow Members to account and where appropriate you can constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct. Members should not make trivial or malicious allegations against each other.

## **F – Use of position**

### **41. As a Member:**

- a. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

42. Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **G – Use of local authority resources and facilities**

### **43. As a Member:**

- a. I do not misuse council resources.**
- b. I will, when using the resources of the local authority or authorising their use by others;**
  - i. Act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

44. You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use and are not to be used for business or personal gain.

- Examples include:
  - office support
  - stationery
  - equipment such as phones, and computers
  - transport
  - access and use of local authority buildings and rooms.

## **H – Complying with the Code of Conduct**

### **45. As a Member:**

- a. I undertake Code of Conduct training provided by my local authority.
- b. I cooperate with any Code of Conduct investigation and/or determination
- c. I do not intimidate or attempt to influence any person who is likely to be involved with the administration of any investigation or proceedings.

d. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

46. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

47. Any alleged breach of this code will be dealt with in accordance with the arrangements set out in Appendix **XX** to the Code.

**NB: a breach of any of the statutory requirements relating to the registration and declaration of disclosable pecuniary interests may result in prosecution. If you need advice you should contact the Monitoring Officer.**

## **Protecting your reputation and the reputation of the local authority**

### **I – Interests**

#### **48. As a Member:**

##### **a. I register and disclose my interests.**

49. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

50. An example of an interest is something which is of value to you which you may have through personal, professional or other private reasons. For example, your job, home or other property. Your main financial interests are called Pecuniary Interests.

51. You should note that failure to register or disclose a Disclosable Pecuniary Interest as set out in Table 1, is a criminal offence under the Localism Act 2011 for which you can be prosecuted.

52. You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest.

53. An example of a conflict of interest is 'a situation where your interests (or responsibility to another organisation) could be (or could be seen to be) in conflict with your responsibilities as a Councillor'. This is especially important in relation to your role as a decision maker at the Council. Table 3 sets out how different types of declarations should be dealt with at meetings.



54. Appendix **XX** sets out examples of interests and case studies and Appendix **YY** sets out detailed information on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.
55. The register of interests maintained by the Monitoring Officer is a public document that can be consulted when (or before) an issue arises. Your interests will be published on your Council web page.
56. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

## **J – Gifts and hospitality**

### **57. As a Member:**

- a. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- b. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**
- c. I register with the Monitoring Officer any gift or hospitality that I have been offered but have refused to accept.**
- d. I will also declare repeated smaller hospitality/gifts which, when combined, would likely exceed £25 within any three-month period.**
- e. I will consider donating any gifts to the Speaker's Charity or other charitable causes.**

58. In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor.

59. It would be expected that you would accept normal gifts and hospitality in relation to your work. However, if the gift or hospitality was valued at over £100 you would normally only accept it if it directly related to your role as a

Member. You should make the reasons for acceptance clear in your declaration.

60. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

61. However, you do not need to register gifts and hospitality which are not related to your role as a member and that you would have received anyway such as:

- gifts from your friends and family,
- gifts/hospitality primarily in relation to your employment, voluntary work or similar which are not related to your role as a Member,
- invitations to weddings and similar events from family and friends,
- small gifts or hospitality received as part of weddings, life-events, religious festivals and celebrations that you would in any case have attended in a personal capacity (Christmas, Eid, Hannukah etc).

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**Type A "Disclosable pecuniary interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or 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.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Nonparticipation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## **Type B - Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## **Disclosure of Non-Registerable Interests**

7. **Type C** - Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. **Type D** - Where a matter arises at a meeting which ***affects*** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. To determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter ***affects*** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of most inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make

sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

No.	Subject	Description
1	<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession, or vocation carried on for profit or gain.  Any unpaid directorship.
2	<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3	<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council  — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
4	<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
5	<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
6	<b>Corporate tenancies</b>	Any tenancy where (to the member's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil

		partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>7</b>	<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the council; and (b) either— (i) ) 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 member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

No.	Subject
	Any body of which you are in a general control or management and to which
8.	Any body of which you are in general control or management and to which you are nominated or appointed by your authority
9.	any body exercising functions of a public nature
10.	any body directed to charitable purposes
11.	Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

### Note

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.



**Table 3: Summary of Rules around Participation at Meetings**

11. This table sets out a summary of the general rules around participation at meetings with respect to interests. This is only a summary and does not replace more specific guidance available from the Monitoring Officer.

Type Code	Interest Type	Declare on Register	Declare at Meetings <sup>1</sup>	Participate Normally	Only speak with same rights as public and leave meeting after speaking <sup>2</sup>	Must leave the meeting entirely
<b>A</b>	<b>Disclosable Pecuniary Interests</b> (Lines 1-7 of the ROI form)	Y	Y	N	N	Y
<b>B</b>	<b>Other Registerable Interests</b> (Lines 8 – 11 of the ROI form)	Y	Y	N	Y	N
<b>C</b>	<b>Other Non-Registerable Interests</b> ( <b>direct</b> financial or well-being interest of you or close relative/friend that is not on the ROI form)	N	Y	N	Y	N
<b>D1</b>	<b>Other Non-Registerable Interests</b> ( <b>affects</b> financial or well-being interest of you or close relative/friend that is not on the ROI form or affects a body listed on the ROI form)  Affects you/relative/friend <b>more</b> than most people affected	N	Y	N	Y	N
<b>D2</b>	<b>Other Non-Registerable Interests</b> ( <b>affects</b> financial or well-being interest of you or close relative/friend that is not on the ROI form or affects a body listed on the ROI form)  Affects you/ relative/ friend <b>the same or less</b> than most people affected	N	Y	Y	N	N

**Notes**

**1** – Interests must be declared at all meetings or other situations where you come into contact with the issue, this includes informal internal discussions in advance of formal decision-making meetings.

**2** – If the public do not have a right to speak then you may not speak.

**General Note** – where not straight-forward, apply the precautionary principle and in all cases apply the test of whether a reasonable member of the public knowing all the facts would believe you were taking the correct course of action.

**LONDON BOROUGH OF TOWER HAMLETS  
ARRANGEMENTS FOR DEALING WITH COMPLAINTS OF BREACH OF THE  
CODE OF CONDUCT FOR MEMBERS  
Arrangements agreed by Council on 5th December 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 their 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 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, they 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 themselves. 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 they feel it is necessary to ensure a proper and adequate investigation. The Monitoring Officer may refer a complaint for investigation to the Monitoring Officer in a different authority where they have a conflict of interest.
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 considered 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 they 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 a particular portfolio responsibility.
- (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.

**Case Studies and Examples**

- **Conflicts of Interest**
- **Register of Interests**
- **Complaints**
- **Bullying, harassment and discrimination**

**Final Drafting awaiting publication of Code of Conduct Guidance.**